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EDITORIAL

The Maryland 'Defective Delinquency' Law, the operation of which is described and discussed in this issue by Boslow, Rosenthal and Gliedman, raises more problems to the paragraph than any article we have yet published on the relation between penal method and criminal psychiatry. The term 'defective delinquent' itself reveals the confusion that still exists in the psychiatric classification of 'emotional unbalance'; the list of qualifying conditions includes, *inter alia*, repetitive sexual crimes, and conviction on two or more occasions of crimes punishable by imprisonment, which latter standard would include the habitual criminal or recidivist who nevertheless, according to the authors, is not necessarily a 'defective delinquent'. The offender is committed after conviction and a subsequent civil hearing to the Patuxent Institution. Allowing for the possibility of an appeal for a reevaluation after two years, the sentence is an indeterminate one subject to review, parole, continuation or return to an ordinary prison. The decision is made by a Board the majority of which are members of the Patuxent psychiatric staff. The Board incidentally can also determine withdrawal of parole. Under this system an offence subject ordinarily to a short prison sentence could, on the finding of psychiatric observers, be converted into what might prove a life sentence. Two determining standards are combined, *viz.* that of social safety and that of psychiatric assessment. Correspondingly the institution combines maximal security conditions, regulated by the custodial staff, with a heavy weighting of psychiatric supervision. Refusal of psychiatric treatment is subject to disciplinary action. Here is surely an impressive array of controversial matters, one that brings to public notice the propriety or otherwise of giving prison psychiatrists what is in effect decisive and if necessary perpetual control over the rights and liberties of the individual 'defective delinquent'. The Maryland Law is obviously

based on the model of institutional treatment of psychotics under security conditions, and inevitably provokes the reflection that, just as modern treatment of psychoses is tending to break down the barriers and literally the walls of the mental hospital, so no doubt the Maryland Law will in time lead to the passing of a Maryland Law Amendment Act. In the meantime we must be grateful to the authors for publicising the Maryland system, and for setting out the psychiatric extenuating circumstances which have contributed to its formation. It is all the more timely for our readers in that the Mental Health Bill (see the Note in this Journal, Vol. IX, No. 4, pp. 291-301) raises many issues of a similar kind.

By way of contrast Dr. Morrice's paper on the psychiatric treatment of habitual criminals indicates what can be done with some recidivists by a Visiting Psychiatrist. Most of the cases he dealt with at Peterhead would in Maryland have come under the provisions of the Defective Delinquency Act. Unhampered by any such legal provisions and definitions Dr. Morrice proceeded to deal with his cases on their psychiatric merits and in fact treated a selected group by group-therapy, with results that he felt were distinctly promising. Even more important, however, is the fact that the work was carried out by a *Visiting* Psychiatrist who, although officially appointed, came from without and carried no authority to influence the disposal of prisoners. Experience at delinquency clinics of the type of the Portman Clinic (I.S.T.D.) has established beyond doubt the immense advantage of treating delinquents by specialists who have no concern with the administration of penal law. Admittedly it is essential that Prison Medical Officers should have adequate psychiatric training; and no doubt it is both convenient and economical for prison officers to carry out psychiatric treatment. But both in principle and in practice they work under considerable disadvantages which could be greatly reduced if a visiting system were generally introduced. Failing the general practicability of this suggestion, the principle might at least be applied as a corrective to penal legislation such as the Maryland Law. The Maryland Law Amendment Act might indeed consist of one clause, namely, in all cases where the indeterminate sentence is applied it should be strictly laid down that in psychiatric matters concerning revision or perpetuation of sentence the majority of psychiatrists on the Parole Board should be 'visiting' psychiatrists having no say whatever in the penal activities of prisons, and having had no previous official contact with the prisoner.

Mrs. Siri Naess's article brings us into the centre of a controversy in the overlapping areas of child psychiatry and delinquency. Some years ago

when the Child Guidance Clinics initiated the combined operations of social and psycho-pathological studies for the understanding and alleviation of the emotional disorders of children from infancy to adolescence, it was soon felt that the need for a stable family life was a *sine qua non* for normal development. The delinquency problem loomed large even then. Burt in Britain, Healy and Bronner in the U.S.A., Aichhorn in Vienna, soon acquainted us with the new views on the factors of juvenile anti-social trends. They, too, stressed family relations, separation, poor parental authority, but they did not lay down what has become a psychological maxim amongst some workers, that separation of mother and child in the early years was tantamount to the removal of an essential mental maturation factor. Without it the most prominent consequence was delinquent behaviour. In recent years the work of Spitz, and of Goldfarb in the U.S.A., the Rondinsecos in France and John Bowlby in Britain have reminded us, perhaps loudly, that we have forgotten the importance of the child-mother nexus and therefore miss a maxim for understanding and an instrument in therapy by not stressing this relationship.

However, when the data on which these recent workers based their hypotheses were subjected to careful scrutiny it became clear that, while the basic concept of the need of the child for a mother was true enough, the analysis of the data was not always statistically watertight—nor were the basic methods of collecting the data sufficiently scrupulous for eventual statistical assessment. And furthermore, some of the initial terms clearly defined and free from ambiguity and indeed from *parti pris* had been not so carefully used in the discussion. Siri Naess with great fairness has in her article examined particularly Bowlby's conception of 'separation' and its variants, *i.e.* age and period of separation and the consequences in disordered behaviour. Mrs. Naess has been appreciative of the anti-separationist's zeal and skill in making prominent an urgent and admittedly under-estimated problem. But she rightly calls for an examination of the sources of the data and the diagnostic items used in analysis. Bowlby's work is only just beginning to free itself from the influence of his fore-runners and till he exposes his own research data on normal and disturbed mother-child relations we ought to pause before passing final judgment on his now so widely publicized thesis. Mrs. Naess, it will be seen, re-examines Bowlby's claims by a very neat inspection of her own data collected from her home city of Oslo. Sociologists today use the term 'anomie' in connection with deviant social values and attitudes to which the under-privileged child is exposed. Any work on child behaviour must take account not only of the fact of separation but of all the accompanying circumstances and the prior circumstances in the home of origin and in the culture of origin. Nor are all anti-social attitudes to be

equated with delinquency. Orlansky, Beres and Obers in their work have stressed this. The anti-social may be the first step in discontent which may lead to creative acts as likely as delinquent ones. Furthermore, many examples used for substantiating the supreme evil of separation come from the institutionalized. Under any circumstances being institutionalized at all is an indication that something has already gone wrong; and what has gone wrong may be social and economic in nature as well as psychological. Psychologically it would be unwise on psycho-analytic grounds alone to rest satisfied with the bare concept of separation. Why has separation occurred and what are the conditions of the maternity of the mother and the paternity of the father that the psychic wound has gone so deep? And we may well ask, too, what are the conditions governing irreversibility due to age of child, to period of separation, to repeated separation? These have not been given the attention they deserve. But Bowlby has with his co-workers given some attention to these considerations. Another issue equally momentous for theory must be tackled. How far can we apply the physio-mechanical concepts of organic medicine to the behaviour of the very young child? The earlier the period is studied the nearer we are to psycho-physical relations and in this sense separation without alternative supports to the child may prove highly vulnerable. Does the application of ethology or the comparative study of animal and human behaviour help us? Lorenz and Tinbergen have shown how maturation can be arrested if the symbiosis of parent and young is disturbed at critical phases. Bowlby holds that this may well be so. If further studies with very young children lend support to this, then the anti-separationists are vindicated: but only in what might be called the pre-cultural life of the child. The impact of a culture cannot be underestimated as the crucial factor in delinquent conduct as such.

THE MARYLAND DEFECTIVE DELINQUENCY LAW

*Psychiatric Implications for the Treatment of Antisocial Disorders under the Law*¹

BY HAROLD M. BOSLOW, DAVID ROSENTHAL, AND
LESTER H. GLIEDMAN (MARYLAND)²

The individual who is judged not legally insane, but who repeatedly transgresses the limits of behaviour set by our ethico-legal system, has long posed a special and difficult problem for society. The penologist has developed ways of treating him which society has deemed equitable and humane, but which have not stopped the rising tide of public offenders. The sociologist has pointed out that a disproportionate number of these people come from lower socio-economic levels, but this finding has not held out the hope of a practical, foreseeable solution along the line of socio-economic readjustments.

More and more, society at large has come to look to the psychiatrist for direction in dealing with this refractory group. A separate field of specialization within psychiatry has thus emerged, the psychiatrist assuming more and more responsibility, in conjunction with other professional groups, for the management of the public offender. A growing body of legislation has arisen to enable the psychiatrist to implement this responsibility.

In 1951, the legislature of the State of Maryland enacted a law which really constitutes an experiment in the extended application of such responsibility. If successful, it may serve as a model for similar legislation in other states. Our purpose in this paper is to acquaint psychiatrists generally with this law, to enable them to see some of its implications, and to point out some psychiatric issues and problems which it necessarily creates.

The law is commonly referred to as the Defective Delinquency Law. It has three salient features which, in combination, make it unique in this country.³ (1) It attempts to define a population of offenders known as

¹ The authors wish to thank Mr. Arthur Kandel, Dr. James E. Smith and Mr. Sigmund H. Manne for their help in the preparation of parts of this paper.

² Dr. Gliedman was killed in an airplane crash in the spring of 1958. He was the first psychiatric consultant at Patuxent Institution and played a major rôle in the framing of administrative, therapeutic, and research policy at the institution.

³ Other states have begun to develop a great deal of interest in the law and several are reviewing legislation modelled after it. Thus, other states may have similar laws in effect by the time this article is published.

'defective delinquents' who come under the purview of the psychiatrist, as distinct from other types of criminals who do not. (2) It provides that such defective delinquents are to be committed to an institution in much the same manner that psychotics are committed to a mental hospital. The individual may be retained in the institution for as long as the psychiatric staff deems necessary to effect rehabilitation, which could be for life. This is called the indeterminate sentence. (3) It proposes to house such individuals in an institution which is neither a prison nor a mental hospital, yet one which retains some important features of both. This is known simply as the Patuxent Institution, no attempt being made to incorporate in its name any term which might designate its nature or function.

The law defines a defective delinquent as follows: 'An individual who, by the demonstration of persistent aggravated anti-social or criminal behaviour, evidences a propensity toward criminal activity, and who is found to have either such intellectual deficiency or emotional unbalance, or both, as to clearly demonstrate an actual danger to society so as to require confinement and treatment under an indeterminate sentence, subject to being released only if the intellectual deficiency and/or the emotional unbalance is so relieved as to make it reasonably safe for society to terminate the confinement and treatment.'

Psychiatrically speaking, the key terms in this definition are 'intellectual deficiency' and 'emotional unbalance'. With respect to the determination of intellectual deficiency, no great problem exists except perhaps in a few borderline cases and in some cases of unusual cultural and educational deprivation. Standardized tests of intelligence provide us with reasonably reliable and meaningful criteria against which we can measure an individual's performance.

The problem of determining 'emotional unbalance' is a much more knotty one. We are clearly not dealing here with a simple dichotomy involving balance versus unbalance. Rather, the concept of emotional balance, like the concept of intelligence, suggests a graded continuum involving a wide range of behaviours. Since no individual can be reasonably said to have achieved perfect emotional balance, whatever that might mean, we could presumably infer that every individual showed some degree of emotional unbalance. Thus, with this kind of interpretation of the term, which is akin to sophistry, we could commit as a defective delinquent any individual who engaged in persistent anti-social behaviour which constituted a danger to society.

Clearly, this is not the intent of the law. If we had tests of emotional balance similar to tests of intelligence, where we could determine reasonable cutting scores below which an individual could be said to be sufficiently

emotionally unbalanced to be considered a defective delinquent, our task would be considerably simplified. However, no such tests are available, although of course there are several which are of great value in estimating the extent of emotional unbalance in many cases. In the final analysis, we must rely quite heavily on case history criteria and on clinical impressions regarding the individual. Such impressions are not always as easily defended in court as objective, standardized measures and it is hoped that such measures will be derived in the future.

Under the Defective Delinquency Law, any person may be referred for examination as a possible defective delinquent who has been convicted and sentenced in a Maryland court for one or more of the following: (1) a felony; (2) a penitentiary misdemeanour; (3) a crime of violence; (4) a sex crime involving force or violence, disparity of age, or acts of uncontrolled or repetitive nature; (5) two or more convictions in the State of Maryland for crimes punishable by imprisonment, in a criminal court.

Thus, a disproportionately large segment of the criminal population may be referred for examination. In actual practice, the courts, which are responsible for most of the referrals, have a fair acquaintance with those types of offenders who may be found to be intellectually defective or emotionally unbalanced, so that the number of referrals is kept to a reasonable level. However, the psychiatrist who is Director of the Patuxent Institution must maintain a continuous professional liaison with the courts in a constant attempt to clarify the psychiatric criteria of defective delinquency for the courts, while at the same time mastering the legal criteria and ramifications himself. In the process, direct communication between these representatives of law and psychiatry tends to enhance the mutual understanding and respect of both professions. The recommendation for a hearing for defective delinquency is made by the Director and his professional staff, but the final adjudication is made by the court.

As a practical guide in clarifying the distinction between the defective delinquent and other types of criminals, we have made use of the following formulations. We have thought of the habitual criminal as one who has been socialized, but whose social group is itself anti-social. He maintains a code of morals, but one which is not society's. He is capable of carrying out a deliberate, well-planned crime. By contrast, we think of the defective delinquent as someone who has not been truly socialized and who recognizes no true loyalties. He is basically amoral, shares minimal social values with others, and is flagrantly hedonistic and opportunistic. His crimes are of impulse, sometimes of a compulsive, neurotic nature, and usually involve inadequate planning at best. The paid killer, the racketeer, or the skilled safe-cracker may be noted as examples of the kind of criminal who remains

outside the compass of psychiatric jurisdiction, according to the law, whereas examples of defective delinquents include some organic and congenital mental defectives, epileptics, sex offenders, drug addicts, compulsively neurotic criminals such as fire-setters and kleptomaniacs, and some severely amoral people who cannot be assimilated to a usual prison routine.

The talionic theory of punishment, which holds that the penalty should be proportional to the offence, is so deeply imbedded in our culture that it is taken for granted not only among those citizens who safeguard the public interest but also among the offenders as well. The possibility of another principle for dealing with someone found guilty of a crime has never occurred to the average person, and such a rival principle is not readily understood or accepted, especially among the criminal population generally.

Underlying the talionic theory of punishment is a moral view of man, one which holds that a man has the capacity for doing both good and evil, and that a crime is a deliberate act of evil, done from ill-will, greed, lust, or malice, which punishment can deter. Underlying the principle of the indeterminate sentence is a view of the criminal, in this instance the defective delinquent, as someone who is at the mercy of his own needs and impulses. These may be unknown to himself in that they remain ill-defined or completely unconscious, or they may erupt with such force and magnitude that the individual cannot contain them or provide them with direction of expression. In some cases, the difficulty may be not so much the unawareness or the strength of the impulse, but the lack of organized controls of behaviour which we call ego-strength. In these various instances, the end result is the same, a pattern of misgoverned behaviour which runs the individual foul of society, almost always to his own detriment, and often despite his own resolve to do otherwise. Clearly, implementation of the talionic principle cannot be an effective deterrent with such individuals.

An individual must be convicted of a crime and sentenced in the usual way before he can be referred for examination as a possible defective delinquent. With regard to the relation between the sentence imposed by the court and the committal to Patuxent Institution, the procedure is as follows: After an individual has been tried on a regular criminal charge and found guilty, he is given a specific sentence to a specific penal institution. No one can be sentenced directly to Patuxent Institution at the time of sentence; the court, at the request of the judge, the defence, the prosecution or a relative, can recommend that the individual be referred to Patuxent Institution for examination under the Defective Delinquency Law. If he is found by the professional staff at Patuxent Institution to be a defective delinquent, this recommendation is made to the court and he is given a civil hearing, the procedure being similar to that of a sanity hearing. If the court finds the

person to be a defective delinquent, his original sentence is suspended and he is committed to Patuxent Institution for an indeterminate period. If not, he is returned to the penal institution to serve out his sentence.

Although the court retains jurisdiction over the inmate for the duration of his commitment, there is no judicial control over treatment or length of stay except that the committed person can ask for court re-evaluation after two years of commitment, at which time the court may reverse its earlier ruling. This procedure is almost identical to the sanity hearing provisions regarding persons committed to mental hospitals. Length of stay is controlled by the Institutional Board of Review, which is composed of the Director, psychiatric staff, chief psychologist, psychiatric and psychological consultants, and three lawyers. The Board must review each case at least once each year. The State Board of Parole has no authority over people committed to the Patuxent Institution. Treatment is planned and administered by the professional staff of the Institution.

If a person was originally given a long sentence, but is considered by the Institutional Board of Review to have been sufficiently rehabilitated after a short period of commitment, he may be granted unconditional release from custody as a defective delinquent by the court, released conditionally on a leave of absence or parole, or returned to the institution to which he was originally sentenced to serve the remainder of his sentence. In the latter instance, the time spent at Patuxent Institution is credited to the inmate. Parole may run for a maximum of one year but can be extended year by year indefinitely. The Board of Review can set any parole conditions it deems desirable and can revoke parole for any reason. Parolees are supervised by the Institution's Social Service Department with the co-operation and participation of the entire professional staff. Each parolee is seen at least once each week.

The reaction of an offender referred for examination may be one of several. Quite often he becomes anxious and resentful because of his suspicion that others think he might be crazy. More ominous, perhaps, is the realization that, if he is committed, he may be confined for the rest of his life. If he has received only a short sentence for his crime, say six months or a year, he may be militantly incensed at the injustice done him.

Not all persons committed as defective delinquents are bitter and fearful. There are a few who realize in an ill-defined way that they need help because their behaviour is repetitive and self-destructive, and they may welcome the haven of externally imposed restrictions in a relatively benign atmosphere. Some may actually favour commitment because their difficulties outside have mounted beyond their capacity to cope with them. Some are malingerers who may be serving a long sentence and who see in the commitment

procedure an opportunity to pull strings and manipulate others so that they can be released long before the expiration of their sentence.

The confinement of such individuals under an indeterminate sentence does not pose any undue administrative problems. Others may be resistant, defiant, or manipulative in various ways. One group may take the attitude that, since they are being confined unjustly for the rest of their lives, they are going to make things as rough as they can for those who confine them. These individuals may become especially difficult and undisciplined. Some take the attitude of challenging the authorities to 'cure' them of their defective delinquency. Usually they have no idea of what would constitute a cure or what they are to be cured of. They say in effect: You put me here, now get me out. They make a show of their helplessness and dependency and attempt to place all blame and guilt on the staff for the position in which they find themselves. Another group may put on an ostentatious show of exemplary behaviour, following the letter of the institutional rules, believing that acting in a good and proper way alone constitutes proof that they are no longer defective delinquents and can therefore no longer be justifiably detained.

The indeterminate sentence poses special problems for the psychiatrist as well. Under the usual fixed sentence, the psychiatrist does not concern himself directly with how long the inmate needs to remain confined or when the inmate can be discharged as rehabilitated. Such decisions are everyday matters for the psychiatrist under an indeterminate sentence law and as such place a great burden on him. If he releases as rehabilitated a man who shortly resumes his old pattern of crime, it reflects poorly on the entire profession and arouses public scepticism and indignation, especially since such cases are apt to be widely publicized and sensationalized. If he detains a man excessively long, he may have to deal with his own conscience, or he may undo his own rehabilitative efforts by encouraging feelings of hopelessness and betrayal in the inmate.

The psychiatrist who deals with committed psychotic patients has a simpler task as a rule. The signs of psychosis are usually not difficult to distinguish, and the criteria which enable him to decide when a patient is ready for discharge are usually fairly specific and clear. But the psychiatrist who has to decide that an individual with a history of repeated sex crimes can now be safely returned to society is in a different position indeed. If the individual's crimes have involved little girls, for example, how can the psychiatrist be assured that, when the individual is released from the protecting and restricting confines of the institution, the gains made in therapy will be sufficient to withstand the actual confrontation of old temptations and impulses? It is a truism that the psychiatrist inevitably assumes risks in his more important decisions, but in the instance cited the risk is not

tempered by a wide background of experience or by a generally accepted set of criteria which have been tested and upheld. Such experience and criteria can come only with time and much careful research. In the meantime, the psychiatrist operating under an indeterminate sentence law must tread gingerly.

In the cases of sexual psychopaths these problems go well beyond the boundaries of the State of Maryland, since there are currently at least twenty states and the District of Columbia which have statutes providing for the indefinite confinement of such individuals.⁴ However, because of the broad scope of the Defective Delinquency Law, the classes of persons who may be committed under an indeterminate sentence are presently more numerous in Maryland than in any other state. In all probability, criteria for the intramural determination of successful rehabilitation will have to be worked out separately for each clinical group.

The management, diagnosis, treatment, research, and confinement of the defective delinquent are carried out at the Patuxent Institution.⁵ At present it has 386 beds. In some respects it is very much like a jail in that it is under the Department of Correction and is maintained as a maximum security installation, with barred windows and doors, with inmates under a round-the-clock surveillance by a trained custodial force, and with a strict regard for the maintenance of discipline.

However, in several respects it is more like a mental hospital. The Director of the institution is himself a psychiatrist. He has the final responsibility for all decisions affecting intramural administration and organization. He sets the policies and principles under which the institution operates. At the present time he has a staff of three psychiatrists and three psychologists who work with him in carrying out the accepted programme. This staff will be expanded. Professors of psychiatry from the Johns Hopkins and Maryland University Medical Schools serve on an Advisory Board to help the Director formulate the basic policies of the institution. The Board is further distinguished by having as members a professor of sociology, a professor of social anthropology, and prominent members of the legal profession. A consulting psychiatrist and a consulting psychologist aid the professional

⁴ The specific provisions of these statutes vary from state to state and cannot be reviewed here. However, it may be pointed out that most states house their committed sexual offenders in jails, mental hospitals, or wards for the criminally insane, all of which are clearly undesirable surroundings for such persons.

⁵ Although the Defective Delinquent Law was passed by the State Legislature in 1951, the Institution did not start operation until 4th January, 1955. Since that time approximately 200 people have been committed to the Patuxent Institution. Thirteen have been placed on parole and five of these have been returned to the Institution. The five who were recalled from parole did not commit any further anti-social acts, but were recalled because of concern over their adjustment in society.

staff in the performance of their various rôles. Thus, there is a heavy professional emphasis which filters down through all personnel levels and which succeeds in providing a more benign, friendlier, and less strained atmosphere than that found in most penal institutions.

An attempt is made to integrate the custodial staff with the psychiatric administration. For most of the custodial officers it is their first personal contact with the psychiatric profession and they harbour many of the common stereotyped notions, anxieties, and doubts regarding psychiatrists. Some have worked in penal institutions for many years and have already formed definite ideas about inmates and how to treat them. Thus, there may be considerable resistance to a psychiatric orientation but this can be overcome. We have experimented with a formal indoctrination programme as part of the officer's in-service training. He is encouraged to take an active interest in the inmates and to follow them through their stay. Cases are discussed informally with the officer, some psychiatric aspects explained to him in simple terms. Books and periodicals are made available to him if he expresses such an interest.

A psychiatrist and a psychologist serve on the institution's Disciplinary Board along with custodial officers. In this capacity they temper discipline by emphasizing the various kinds of motivations underlying offences committed. They need to be on their guard not to be taken in by the inmates lest they lose the respect of the officers and reduce their co-operation and effectiveness. When an inmate is disciplined, he is given an explanation as to the relationship between his offence and his previous pattern of behaviour, and the underlying motives are pointed out to him.

An attempt is made to convey a psychiatric orientation to the inmate as soon as he enters the institution. He is seen by a psychiatrist and a psychologist who serve on the institution's Classification Committee. It is pointed out to the inmate that his history of repeated difficulty suggests that at least part of his difficulty must lie within himself, that he must look into himself to learn the meanings and reasons for his behaviour. As soon after admission as possible, he is examined by a psychiatrist and a psychologist.

When an inmate is assigned to a form of therapy, it is expected that he will attend. If he refuses, it is tantamount to disobeying an order which is grounds for disciplinary action. The notion that an individual must be ostensibly motivated to receive therapy is not subscribed to here, and our stand on this matter has already been vindicated in several instances. Only very rarely does resistance to therapy reach the extreme of requiring disciplinary action.

We are aware that we are moving into a region of psychiatry which has not as yet been mapped out very well. It is clear that our inmate population

is a very heterogeneous one. One of our goals is to be able to define this population in terms of various sub-types. We recognize that not all sub-types will require the same treatment methods. As a matter of fact, we are not bound to think in terms of traditional techniques of therapy, and we are planning to explore other techniques as soon as we think such trials are warranted. At the present time, we are interested in exploring group methods further, in the hope that we can foster group identification and loyalties, the subordination of personal to group interests, and the ability to accept and share group responsibilities. This may eventually entail a reconceptualization of intramural living so that inmates eat, work, play, compete, and have therapy with their own small group. We are also interested in the possibility of utilizing drugs to dampen the smouldering impulses of these individuals.

To arrive at a better understanding of this population and more effective ways of dealing with it we must carry on an intensive programme of research. This programme is now under way. But even the carrying out of research with such a population has its own special problems. For example, we have been interested in the concept of suggestibility as one important indicator of our inmate sub-types. As a measure of suggestibility, we decided to employ the Body-Sway Test. Our plan was to test a number of inmates each day until we had completed our sample. After the first day, however, it was known all over the institution that we were giving a test of suggestibility, although the experimenters did not say anything at all about suggestibility to the inmates. Moreover, the inmates spent all evening giving the Sway Test to one another and practising how to resist suggestion. Now of course we know that if we want to use such a test, we must test our entire sample at once.

Despite the frustrations which are necessarily involved in working with such a population, the gratifications have been greater than one might have had reason to anticipate. There is little question in our minds that statutes similar to the Defective Delinquency Law will be enacted in other states as well, especially as our knowledge of these matters increases. Psychiatrists generally will be expected to take up the challenge and assume the social responsibility inherent in such legislation. Our hope is that we shall be able to contribute in some small way toward their being better prepared to meet this challenge than we were four years ago.

THE PSYCHIATRIC TREATMENT OF HABITUAL CRIMINALS

By J. K. W. MORRICE (MELROSE)¹

For approximately a year I was Visiting Psychiatrist to Peterhead Prison, a Scottish penitentiary housing some 220 prisoners, the great majority of whom were recidivists. For some time previously this prison had been going through a difficult period. There had been assaults on officers, a hunger strike and considerable criticism and unwelcome publicity in the press. Perhaps these factors influenced the authorities to appoint a psychiatrist. I attended weekly and provided a diagnostic and therapeutic service for prisoners referred by the Prison Medical Officer, the Governor or the Chaplains.

My advent was not reckoned an unmixed blessing. I suppose it is understandable that those responsible for the running of a difficult penal institution should view with some apprehension a psychiatrist's entry into their domain. To the layman the psychiatrist often appears unrealistic. In prison he might well be seen as a threat to discipline and routine. It says much for the senior prison staff that they were always friendly and co-operative.

At the beginning I was struck by the similarity between society's treatment of the criminal and its treatment of the mentally ill. Both have been rejected and placed in isolated communities behind high walls. Even the buildings are similar—bleak fortresses, forbidding outside and too often overcrowded and uncomfortable inside. But it is true that in penology, as in mental health, great advances have occurred in the past twenty-five years. One common problem remains outstanding—reacceptance into the community. For the recidivist this presents a major problem and, until it is dealt with more comprehensively and realistically, I fear that schemes of rehabilitation and reform must fail.

THE RECIDIVIST

In prison I examined and reported on fifty men. Some I saw only once. Others I saw often and for many hours. One thing that quickly became

¹ I am indebted to the Scottish Home Department for permission to publish this paper, but permission in no way implies that it represents their views. I should like to recognize the unfailing courtesy of the officials of the Prison Division with whom I came into contact and to thank Professor W. M. Millar for his stimulation and encouragement of the project.

obvious was the striking similarity of my case-reports. Where family background and personal history were concerned, many history sheets were almost interchangeable. The habitual criminal seems to spring from a particular type of background. This fact is well known, but its importance is difficult to evaluate. Two cases will be briefly outlined to demonstrate the familiar recidivist picture and to indicate what may be attempted in therapy.

(1) G. M. came to consult me because his wife asked him to. He was aged 25 and serving seven years for housebreaking and assault. He had many previous convictions for theft. His mother was a neurotic with a history of several suicidal attempts. She treated him harshly as a child. His father was an alcoholic who had shown him no affection. The home he remembered as a place of poverty and strife. Aged 9, he was sent to an Approved School for malicious mischief. When he returned home he was so unhappy he ran away. At 16, he was convicted of theft and sent to Borstal. From there he entered the Army where he was in endless trouble and was finally discharged on psychiatric grounds. Back in civilian life he could not keep a job because of his quick temper. His marriage was made unhappy because of his violent outbursts and his wife left him several times. He began to drink to excess and keep bad company. With these associates he stole, mainly for the thrill of it. On a housebreaking venture he was caught by a police officer and in a panic he assaulted him with a jemmy and nearly murdered him.

This prisoner was above average in intelligence. An E.E.G. showed sufficient dysrhythmia to support a clinical impression of 'latent epilepsy'. Despite much psychotherapy and the administration of anti-epileptic drugs his progress was stormy and unsatisfactory.

(2) W. A., aged 28, was referred by the Medical Officer because he had changed in personality. Previously a cheerful, likeable, hardworking fellow, he had become sullen and lazy and complained of insomnia and poor appetite. He was serving five years for housebreaking. His father was an alcoholic and his mother died when he was 13. As a boy he frequently witnessed drunken assaults by his father on his mother and he himself was often beaten. He was said to have had epileptic fits between the ages of 10 and 12. At the age of 12 he was sent to an Approved School for theft. Repeated offences of this kind brought him to Borstal and from there he entered the Army where he was in constant trouble and was finally discharged.

This man had an I.Q. of 96 and his E.E.G. was within normal limits. I diagnosed a depressive illness and gave him tranquillizers and superficial psychotherapy. Over a period of weeks his condition deteriorated and his depression became so intense that his admission to a mental hospital was arranged. He had a course of E.C.T. with a very good response and soon became his normal, cheerful self. Unfortunately, his return to prison was made so precipitately that, as the gate clanged shut behind him, he suffered a hysterical dissociation. He lost his memory and refused to talk or eat. These symptoms cleared quite quickly during an interview; he recovered his good spirits and asked for further psychiatric help to keep him out of crime in the future.

Cases like these illustrate how often the habitual criminal comes from a bad background. Chessman (2) in his autobiography of crime writes of

the criminal's rebellion against lawful patterns of behaviour and lists the reasons—'a broken home, no parental supervision, poverty, feelings of antagonism or rejection, a craving for thrills, adventure, a good time, a power or sex impulse.' And, describing young delinquents, he says, 'Once they have had a taste of the false freedom of living outside the law, rebelliously, as nonconformists, their former lives seemed tame and insipid by contrast. They were young impressionable rebels, and because such rebels must have a cause they made their cause crime. They justified that cause—society, they believed, didn't give a damn about them personally; so why should they give a damn about society?' Generally, in my cases, I found that the recidivist develops in an unhappy home in a bad neighbourhood; he graduates from Approved School to Borstal; in the Forces he is an inferior soldier and a troublemaker and is often discharged ignominiously; his sexual life may vary from disinterest to promiscuity; since he is more in prison than out his marriage is an unhappy affair and he has a poor work record. He often drinks to excess. Despite repeated imprisonment he returns to his criminal ways, often committing similar offences in a familiar pattern.

CLASSIFICATION

I have attempted to classify broadly the fifty prisoners I examined. I do not suggest they are fully representative of the population of Peterhead prison. A prisoner may belong to more than one category of diagnosis or criminal offence but only the main one is included in the following figures.

Criminal Offence. Theft (mainly breaking and entering), 35; assault, 9; sex offences, 3; murder or manslaughter, 3.

Psychiatric Diagnosis. Psychopathic personality, 20; depression, 14; anxiety state, 8; schizophrenic reaction, 5; epilepsy, 3.

Intelligence. The average I.Q. of thirty-one prisoners formally tested was 98. The range was from 60 to 128; twenty-two men were of average intelligence, or above; there were eight dullards and one defective.

It is worth commenting on the large number of prisoners diagnosed as psychopathic personalities and it may also be noted that no prisoner examined was thought to be a normal personality. I will not enter into a long discussion of the psychopath, a subject which has been treated exhaustively by many authors (e.g. (3), (5), (6), (7)), but there is no doubt that the diagnosis presents a thorny problem when habitual criminals are being considered. Since recidivists are generally antisocial, have failed to respond to punishment or to profit from experience and are often given to unpredictable impulses and aggressive acts, they seem to be, by definition, psychopathic personalities. It is possible to conclude, therefore, that all these prisoners are psychopaths and that any other condition is merely superimposed upon

this constitutional defect. If I refuse to accept this view as having little practical value, I run the risk of setting up two separate standards—one to be applied to prisoners, the other to my patients in normal psychiatric practice. If the diagnosis of psychopathic personality has validity in ordinary practice with regard to aetiology, therapy and prognosis, it must surely have the same validity among criminals.

The diagnoses shown above were made on clinical grounds, aided in some cases by E.E.G. examinations and by the Minnesota Multiphasic Personality Inventory (9). In arriving at an assessment, I ignored as far as I could the criminal behaviour of the prisoner and tried to label as psychopathic only the subject who, in his life history and his behaviour at interview and in the prison generally, revealed the accepted stigmata of the psychopath. I set out to see these men as patients rather than criminals and attempted in every case to understand their symptoms or their behaviour in psychodynamic terms. It has been said that 'psychopath' is a term of abuse used among psychiatrists and there is no doubt that most of us, having given such a label, are correspondingly hostile or gloomy and may tend to ignore the therapeutic opportunities offered by the patient. Despite this resolve to diagnose psychopathy only on strong evidence, my figures reveal that twenty of the fifty prisoners were so diagnosed.

Reviewing the general prison population of England and Wales, East (4) considered that 1 per cent. were certifiably insane, $\frac{1}{2}$ per cent. mentally defective and, while emphasizing that no reliable figures were available, suggested that psychopaths numbered between 5 and 20 per cent. Roper (10) studied the Wakefield Prison population (prisoners selected to some extent as favourable prospects) and found 12 per cent. neurotics, 8 per cent. psychopaths and 23 per cent. dullards. He attempted to grade the prisoners in terms of personality and classified 51 per cent as inadequate and 20 per cent. as schizoid, hysteroid or aggressive. All these he classed as 'immature' personalities and they add up to 71 per cent. of his subjects.

My figures and these just cited cannot be directly compared. In fact they reveal the unsatisfactory state of clinical classification in criminology. Nevertheless there seems to be in prison a significant number of abnormal personalities, mentally ill prisoners, and dull-witted 'drifters'. While I know that among these prisoners there are many who are quite unsuitable for psychiatric treatment and others who would actively resist it or try to make use of the psychiatrist in their rebellion against authority, nevertheless I believe there are some who are good and willing subjects.

SEGREGATED PRISONERS

In an attempt to deal with the habitual criminal who came to seek advice

about changing his ways, I began group therapy. At Peterhead at this time there was a group already, in a sense, laid on. This was a number of specially classified prisoners, the ringleaders and 'hard cases', who were segregated from the rest. They lived and worked together, and I saw and reported on them at regular intervals.

However, I decided not to attempt a group approach with them for a number of reasons. There existed in this section of men a highly charged atmosphere compounded of resentment and aggression towards authority. Suspicion and fear of the psychiatrist were particularly evident during my early dealings with them. Despite my efforts at reassurance, they were slow to give information or trust. I felt that the intrusion of a psychiatrist bent on therapeutic change into such a group would give rise to explosive reactions which his once-weekly visits could not hope to control or utilize therapeutically. Complex administrative problems and staff resentment would be the outcome. Any of these difficulties might arise no matter what sort of group was chosen. But, while the group of prisoners I eventually did select gave rise to concern from time to time, no uncontrollable reactions occurred.

This group of segregated troublemakers appeared to show in an exaggerated way the sort of reactions a psychiatrist meets in his dealings with psychopathic prisoners generally. To some extent these marked reactions were due to segregation, a technique of dealing with subversive elements that raises problems of its own. At first the prisoners were superficially co-operative if rather sullen. Then they became suspicious and frankly hostile. They thought I was extracting information which I would use to certify them insane; or I was passing it on to the prison authorities to be used against them; and in any case I was obviously on the side of the authorities who (they affirmed) had segregated them unjustly. For a time the atmosphere among these men was very tense, with frequent quarrels and many vague physical ailments. Later a certain *esprit de corps* emerged—'We are really the tough guys; so tough they have to separate us off to handle us.' With this phase came the common resolve to be passively unco-operative and a nuisance to authority in every way. After a time, however, the stress of life within a small group began to show itself in some of the men; by the sixth month psychosomatic complaints were common. One or two men came to the psychiatrist for help in states of marked tension.

Some of these phases are familiar to any therapist who has experience of group therapy or of psychotherapy with psychopaths. But they can raise difficult situations for the psychiatrist in prison, and he has to make up his mind very soon on such questions as how much information he will pass on to the M.O. or the Governor and how much he must hold as confidential for the sake of maintaining the trust of his patients.

TREATMENT

It was decided to select prisoners for group psychotherapy who were in their twenties or thirties, who were anxious for treatment, and whose complaints or crimes suggested that a psychotherapeutic approach was applicable. They should be of reasonable intelligence, but a genuine search for understanding and self-control would be more of a recommendation than a high I.Q. Having laid down these criteria, I then had difficulty in finding suitable clients. Eventually a group of five was formed. Group meetings were held in a room in the prison hospital block. Each session lasted about two hours and the whole procedure was kept informal.

I was impressed with the speedy way the group got down to business compared with other groups of which I had experience outside prison. At first, discussion was at an impersonal level and covered such familiar topics as: poverty as the cause of crime, class privilege, and the need for prison reform. Individual members of the prison staff were criticized with some heat. As mutual acceptance and confidence grew, personal problems were voiced and personal histories detailed. Of course, the group had teething troubles. Two original members seceded after a few sessions when the curiosity and criticism of their fellows became too alarming. One member became so distressed after a group session that he broke up the furnishing of his cell. The whole group came in for considerable sarcastic comment from their fellow-prisoners and from some of the prison officers. Some of these difficulties are inseparable from psychiatric treatment in a general prison community and this suggests the advisability of segregating prisoners who are undergoing intensive therapy. The success of such a method at Wormwood Scrubs supports this view (8).

As the group progressed, I was struck again and again by the insight these habitual criminals and psychopathic personalities demonstrated. In the group setting they revealed willingness to accept criticism and advice and even showed capacity for remorse. I found that their egocentricity and immaturity did not prevent their forming a group of therapeutic value. I became convinced that group psychotherapy with all its difficulties (and in prison they may be legion) provides a method of treatment for the psychopath that other techniques cannot equal.

Bromberg (1) has discussed the treatability of the psychopath and has emphasized the latter's distrust of the therapist; how a passive attitude adopted by the therapist raises the threat of transference development with arousal of old dependency feelings in the patient and consequent anxiety and an impulse to flight; on the other hand, if the therapist demonstrates veiled contempt or anger the psychopath feels himself rejected just as he is by

society at large. Bromberg suggests that the therapist must develop empathic feelings for the motivating forces within the patient and use an authoritarian attitude together with some form of group technique. My own experience would support this view.

Psychotherapy in prison, be it individual or group, is not a method by which the prisoner can escape from his unpleasant duties or responsibilities, nor is it a form of comic relief from prison boredom. In fact it may impose on the prisoner a considerable burden of stress and he will accept this only if he feels he is reaping some benefit and can count on the goodwill of the prison authorities and indeed of the community. It helps, during the stages of readjustment, if he finds support and understanding among the prison officers; he will certainly meet misunderstanding and derision among his fellow-prisoners.

During a group session, when the question of honesty was under discussion one prisoner pointed out that, although he was a persistent thief, he would not steal in prison from a fellow-prisoner. In prison there are goods in short supply (*e.g.* tobacco) and opportunities for theft. This prisoner refrained not because he was afraid of being caught or punished but because, as he said, 'I would never think of it.' In the society of his fellow-prisoners, where he was accepted and of which he felt a part, he lived according to the social code—he conformed with the law. It seemed to me that this could be contrasted with his state outside prison where, rightly or wrongly, he felt rejected and where he felt no obligation to conform. These attitudes transcend conscious judgment and depend on unconscious qualities of personality. After all, the ordinary honest man does not debate with himself whether or not to steal. If asked, he might say 'I would never think of it.' Neither this day-to-day honesty nor the prisoner's dishonesty depends on conscious judgment.

If we are to reclaim prisoners for society by psychiatric treatment and rehabilitative measures, it is unlikely that a simple appeal to reason or judgment will succeed. It is necessary for the prisoner to uncover the beginnings of his resentment and aggression and guilt and engage in a difficult relearning process. Few will endure this process unless they are at rock bottom and face to face with their barren future; or else young and uncommitted. In other words our most likely patients are to be found among recidivists and among juvenile delinquents. After all, they often seem to be the same people separated only in time.

It has been suggested that crime and mental illness sometimes have roots in common. As far as habitual criminal behaviour is concerned, I think it may be seen as a sort of social suicide. Strauss (11) has pointed out how the most important stimulus for suicide is loss of the inner feeling of identity

with the social group. I see the habitual criminal as having lost his sense of honourable group identity except in respect of other criminals. It is true that up to 80 per cent. of first offenders respond to prison methods by offending no more. But the others who become recidivists, what of them?

It seems to me that when a man is imprisoned for a long term, when he is cut off from normal society, given a minimum of responsibility for his actions and life generally and when he can do little to change his circumstances except in an adverse way, it is not surprising that there is misbehaviour and rebellion on the one hand and apathy and loss of initiative on the other. In addition, the artificial and unreal environment of prison and the difficulty of testing improvement against a real-life situation make psychotherapy in prison thwarting for the therapist and may bring a feeling of futility to the prisoner.

Despite drawbacks like these, I am convinced that the psychiatric treatment of habitual criminals is worthwhile and necessary. There is occasion for therapy at two levels: (1) the short-term use of physical methods or psychotherapy for such disorders as anxiety states or depressions; and (2) longer-term methods such as group psychotherapy, directed towards the alteration of character and criminal attitudes. In my own experience, I found sympathetic liaison with a progressive mental hospital invaluable.

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MOTHER-CHILD SEPARATION AND DELINQUENCY¹

BY SIRI NAESS (OSLO)

John Bowlby's work 'Maternal Care and Mental Health' was published in 1951. The theses of this work were received as having the greatest significance for the understanding of mental ill-health and as formulating a certain knowledge which may earlier have been implicitly accepted, but had by no means been given the prominence in the reasoning and actions of the people responsible for child-care services which its importance deserved. It is believed that a tendency to accept Bowlby's view has appeared since the publication of the work in 1951.

The main thesis of Bowlby's work is presented in what he calls 'the general proposition—that the prolonged deprivation of the young child of maternal care may have grave and far-reaching effects on his character and so on the whole of his future life'.² Bowlby stresses the form of deprivation caused by *separation* of the child from the mother. Though he recognizes the adverse effect on a child's development of the 'living with a mother . . . whose attitude towards him is unfavourable',³ he terms this 'a partial deprivation' to be distinguished from the 'complete' or 'grosser forms of deprivation' consisting in an actual separation, either from the time of birth or during the first five years of life. Bowlby makes it clear that a *permanent* mother-substitute may be of equal value to the child. However, in another connection he argues that the mother-child relationship is 'a drive' which 'is presumed to be instinctual'.⁴

This article is not concerned with Bowlby's general proposition, nor with his biological presumptions, but with the bearing of his work on the etiology of delinquency. One of the more specific hypotheses emerging from his general proposition is that one of the adverse effects of maternal deprivation is a *delinquent* character development. To support this hypothesis he reviews a long series of studies, among them his own study of forty-four juvenile

¹ This study was made with the help of a grant from Norwegian Research Council for Science and the Humanities.

² Bowlby, John, 'Maternal Care and Mental Health,' 2nd. ed., Geneva 1952, p. 46.

³ *Op. cit.*, p. 71.

⁴ Bowlby, John, in Senn, M.J.E., 'Problems in Infancy and Childhood,' 7th Conference, New York, 1953.

thieves⁵ from which he quotes the conclusion: 'On the basis of this varied evidence it appears that there is a very strong case indeed for believing that prolonged separation of a child from his mother (or mother substitute) during the first five years of life stands foremost among the causes of delinquent character development.'

This seems to be a promising lead to the understanding of the causation of crime. It is the object of this study to discuss Bowlby's hypothesis and to offer some data to contribute to its further testing.

INTERPRETATION OF BOWLBY'S HYPOTHESIS

The formulation quoted above is not unsuitable as a guide for empirical research. It is, compared to the vast majority of statements on crime causation, fairly explicit. A certain condition is described and claimed to be a cause of a certain other condition, or rather, it is claimed to be one of several causes of this condition, and to stand foremost among them. We shall discuss the properties of these conditions and the possibility of identifying them for research purposes.

The condition claimed to be a cause is described as follows: 'prolonged separation of a child from his mother (or mother substitute) during the first five years of life'. From the context it appears that by 'separation' is meant 'physical separation', that is, the living in different homes, and that 'psychological separation', the absence of emotional relations of a certain kind, is not intended in this connection. This is a feature of the hypothesis which makes it especially easy to test, the determination of psychological conditions of this kind being a very difficult task. By 'prolonged' we assume that 'at least three months and probably more than six' may be intended.⁶ By 'mother substitute' is meant, it appears, a 'permanent mother substitute', and as such may function an adoptive or foster-mother, whether a relative or not, whether paid or unpaid.

The second variable condition is described as 'delinquent character development'. This is, it seems, the least precise part of the hypothesis under discussion and the condition most difficult to delimit. When Bowlby uses the term 'delinquent character development', he probably means something more than just 'delinquency', if this is defined as an act punishable by law. Apparently he has in mind not all 'delinquent persons', nor only 'delinquent persons', if by this expression is meant persons registered by the authorities for the committing of an act punishable by law. This type of phenomenon is comparatively easily identified. On the other hand, if Bowlby by 'delinquent character development' refers to a certain behaviour disposition, the task of

⁵ *Int. J. of Psycho-Anal.*, 25, 19.

⁶ Cp. p. 34 and p. 47 in Bowlby, 'Maternal Care and Mental Health.'

selecting the object of study will be much more difficult. He himself points to 'the difficulty of finding reliable criteria of success and failure'.⁷ The initial selection of the persons whose behaviour disposition we want to study might be made by the help of clinical diagnostic tests, e.g. of the projective type. However, it might prove difficult to find a test which qualified persons, including Bowlby, would agree is a measure of delinquent character development or antisocial behaviour disposition. The subjectivity of the diagnostic methods available is a significant source of error. The determining of the presence or absence of maladjustment by the use of clinical diagnostic methods will be influenced too easily by the hypotheses held by the diagnostician. On the basis of the controversial results obtained in research on personality and crime,⁸ we are extremely sceptical as to the value of clinical findings in support of definite hypotheses. This is not to say that investigations of this kind should not be carried out. However, when such studies are made, care should be taken that the diagnostician is uninformed regarding the confirmatory or disconfirmatory result of each diagnosis. An example is furnished by the interpretation of the Rorschach protocols of the Glueck and Glueck study, 'Unraveling Juvenile Delinquency',⁹ in which the interpreter made 'blind analyses'; he was not informed which protocols belonged to the delinquent, and which to the control group.

We think, however, that for certain purposes less psychologically interesting criteria may be used, criteria referring to surface behaviour believed to be symptomatic of the psychological disposition or the character development to be investigated. Bowlby, in support of his hypothesis, refers to several studies of delinquent youth in which the selection of the delinquents to be studied has been made through correctional institutions or through the juvenile court records.¹⁰ Among the delinquency studies referred to, some have been carried out in England, some in the U.S.A. Further, in his own research, he selected the test-group from a child guidance clinic among the patients reported to steal.¹¹ From this we infer that he takes the delinquent acts as symptoms of a delinquent character development, and as useful criteria in the study of such a development. We also infer that he intends his hypothesis to have a very wide field of application, covering children as

⁷ *Op. cit.*, p. 155. See also his article 'Research into the Origins of Delinquent Behaviour,' in *Brit. med. J.*, 1950, 1, 570.

⁸ Cp. e.g. Schuessler, Karl F., and Cressey, Donald F., 'Personality characteristics of criminals,' in *Amer. J. Sociol.*, 1950, 55.

⁹ Glueck, S., and Glueck, E. T., 'Unraveling Juvenile Delinquency,' Boston, 1950.

¹⁰ Burt, C., 'The Young Delinquent,' London, 1929; Glueck, S., and Glueck, E. T., 'One thousand Juvenile Delinquents', Cambridge, 1934; Stott, D. H., 'Delinquency and Human Nature', Dunfermline, 1950.

¹¹ *Int. J. Psycho-Anal.*, 25, 1944.

well as adults, lawbreakers registered by the police as well as those not registered, and persons of different nationalities.

A diagnosis may include a description of a person on several different levels. On the surface level one may list behavioural descriptions such as 'is talkative', 'blushes easily', 'goes frequently to movies', 'steals', 'has temper tantrums', 'plays truant', 'is generous', etc. On a different level one may list descriptions of the following kind: 'is self-conscious', 'has anxieties', 'is aggressive', 'is affectionless', 'has good rôle-playing abilities', 'has ability to form lasting relationships', 'has a strong super-ego', etc. These less behaviouristic traits are more difficult to assess. Included in a diagnosis may also be an account of the etiology of the behaviour and the personality traits described, that is, the causes of their development, *e.g.* 'lenient discipline', 'hereditary disposition', 'physical handicap', 'maternal deprivation', 'rigid toilet training', 'strong masculine influence', 'poverty', 'easy-going parents', 'frequent moving in childhood', 'identification with rôle of father', etc.

If Bowlby's hypothesis is formulated along this schema, it might run as follows: maternal deprivation (in the form of prolonged separation of a child from his mother during the first five years of life) stands foremost among the causes of the following character developments:

incompletely developed egos and super-egos,
impaired capacity for abstract thinking,
impaired ability to control the impulses,
impaired ability to identify or introject,
repressed desire for love,
impaired ability to establish love-relationships,

and this character development will express itself in
stealing,
truanting,
violent behaviour,
unruliness,
running away,
out late at night.

To establish the correlations between these three groups of data is the object of a great deal of psychological research. The second set of factors, the deeper personality traits, are those most difficult to assess, and are usually considered the most interesting part of a psychological theory. However, for practical purposes, correlations between the first and the third sets of data may be sufficient. Moreover, as these are the easiest to establish, the first step in a research programme should be to find out whether any relation exists between the supposed cause and the surface behaviour. If such

a relation has already been established, a thoroughgoing psychological analysis should follow. Studies of the latter kind are carried on under the leadership of Bowlby at the Tavistock Clinic, London. A few cases of mother-separated children are followed up closely in an attempt to unravel the underlying dynamic processes.¹²

However, as we do not consider the alleged relationship between mother-separation and the delinquency symptoms to be definitely established, we intend to offer further data relevant to this relationship.

To summarize, our interpretation of Bowlby's hypothesis is as follows:

Prolonged physical separation (that is, a physical separation lasting at least three months, probably more than six) of a child from his mother (or from the permanent foster mother or adoptive mother) during the first five years of life stands foremost among the causes of delinquent character-development, where this expresses itself in delinquent acts like stealing, truancy, violent behaviour, etc.

THE EVIDENCE PUT FORWARD BY BOWLBY

Before we give a report of the procedure of the small empirical study which we plan to carry out, we shall briefly discuss the evidence offered by Bowlby in support of this hypothesis.

The majority of the studies discussed by Bowlby refer to his general proposition, that maternal deprivation may have adverse effects on a child's character. A certain proportion of these studies refer to delinquency. A study by Stott¹³ of 102 inmates of an English approved school connects antisocial behaviour with unsatisfactory relationships in early childhood. The proportion of separations from the mother is not given. Bender¹⁴ reports her observations of a group of 250 children in the Psychiatric Division of Bellevue Hospital, New York; 10 to 12 per cent. showed what she calls 'psychopathic behaviour disorder of childhood' because of interrupted foster-home experiences. A control group is not reported to have been utilized. Bowlby¹⁵ studied a group of forty-four young thieves who received treatment in a child guidance clinic in London. Seventeen of these 'had suffered complete and prolonged separation (six months or more) from their mothers or established foster mothers during their first five years of life', compared with only two in a group of non-stealing controls. The Jewish

¹² In *Brit. J. med. Psychol.*, 1952, **25**, 169-201, M. D. Ainsworth describes a detailed case study which is part of the research project mentioned above.

¹³ Stott, D. H., 'Delinquency and Human Nature', Dunfermline, 1950.

¹⁴ Bender, L., in 'Handbook of Correctional Psychology', ed. R.M. Lindner, New York, 1947, pp. 360-77.

¹⁵ Bowlby, J., *Int. J. Psycho-Anal.*, **25**, 1944.

Board of Guardians¹⁶ report on the population of the Hawthorne-Cedar Knolls School, New York, for delinquent boys and girls between the ages of 13 and 17. Of the 199 children in residence in April 1950, 14 per cent. had been in institutions and 24 per cent. in foster homes before the age of 4. The figures cannot be summed, since some had been in both an institution and a foster home.

Theis¹⁷ made a follow-up study of foster children in New York State, and compared ninety-five children who had spent five years or more in institutions, with eighty-four who spent the same years at home. The children of both groups had later been placed in foster homes. Among the institution group, 35 per cent. were as adults classified as 'socially incapable', compared to 18 per cent. of the control group. Of these 35 per cent., 16 per cent. were classified as 'harmful' or 'on trial or in institution' while only 7 per cent. of the control group were thus classified.

Burt,¹⁸ in his study of juvenile delinquency in London, found that 23.5 per cent. of the boys and 35.5 per cent. of the girls 'had suffered prolonged absence from their parents'. How many had been separated from their mothers is not stated, nor is the age when separation occurred. A series of studies relating delinquency to broken homes are discussed. However, the percentage of mothers missing in these homes is not given, and there is reason to believe that in the great majority of cases it is the father who is missing and not the mother.

We have made considerable efforts to find reports of research in this field that have been published after the appearance of Bowlby's book in 1951, or studies not referred to in his book. We have found several studies of mother-deprived children, though most of them concerned very young children, and did not connect the problems with delinquency or other forms of antisocial behaviour. An exception to this is the work of E. O'Kelly on the relationships between delinquent girls and their parents.¹⁹ This is an investigation of the social histories of eighty-three neurotic girls, aged 14-18, who were given psychiatric treatment at an approved school in London. A comparison is made between sixty-two of these girls, charged with thieving, and twenty-one charged with sexual or other delinquencies, as regards the frequency of separation from their mothers. It was found that 37 per cent. of the thieves had been separated from their mothers before the age of 5, compared to 19 per cent. of the non-thieves. The thieves were also found to

¹⁶ Unpublished.

¹⁷ Theis, S. van S., 'How Foster Children Turn Out', New York, 1924. (State Charities Aid Association Publication No. 165.)

¹⁸ Burt, C., 'The Young Delinquent', London, 1929.

¹⁹ *Brit. J. med. Psychol.*, 28, 1955, 59-66.

have suffered more frequent separations after the age of 5 and had been more frequently openly rejected by their mothers. Another work, which may be of some interest in this connection, is a study by G. Destinus and E. Todte, entitled 'Die Bindungslosigkeit des Kindes'.²⁰ The authors describe a disturbance called 'Bindungslosigkeit' ('lack of capacity for attachment') which they find in 42 cases of children, aged 7 to 17, whom they studied at two child guidance clinics in Berlin. The most characteristic symptoms were truanting, lying, stealing (in 23 of the 42 cases), stubbornness, nervousness, aggressiveness. They suggest the following as causes of the disturbance: (1) constitution, (2) absence of the father, or the mother going out to work, (3) frequent environmental changes, (4) suppression of the need for freedom of expression by 'stenische' parents. It was found that in 15 of the cases the mother went out to work, in 17 that the father was absent. Early separations from the mothers apparently were not considered.

Further, we have noted a work by D. Beres and S. J. Obers²¹ on 'The Effect of Extreme Deprivation in Infancy on Psychic Structure in Adolescence'. The authors have studied a group of 38 youths, aged 16 to 26, who had been in the Home for Hebrew Infants from the age of 1-21 months, and later, from the age of 2½-4 years, had been placed in foster homes. The cases in this study had remained under the care of the Youth Service Department because, for various reasons, they required continued care. This means that these persons had special problems, which were not, as a rule, met with in the other children who had been in the same institution. The 38 cases were classed in the following diagnostic categories: psychosis, 4 cases; character disorder, 21 cases; mental retardation, 4 cases; psychoneurosis, 2 cases; satisfactory adjustment, 7 cases. In their summary the authors state that the cases, especially the character disorders, 'can be understood in terms of the functioning of an immature ego along with deficient superego development'. However, we are surprised to find that the symptom of stealing is not mentioned, while aggressive behaviour is frequently noted. Absence of reference to stealing leads us to believe that, though it may have occurred, it cannot have been a predominant trait in this group.

The last study we want to discuss is 'Unraveling Juvenile Delinquency' by S. and E. T. Glueck. The specific factor, mother-separation before the age of 5, is not studied. But several data related to it are given. We find that 15.6 per cent. of the delinquents compared with 7.2 per cent. of the non-delinquents are not living with their own mothers, and 41.2 per cent. of the delinquents compared to 24.8 per cent. of the non-delinquents are not

²⁰ *Zeitschrift für Kinderpsychiatrie*, 20, 1953, 130.

²¹ 'The Psychoanalytic Study of the Child', Vol. V, London, 1950, p. 212.

living with their own fathers; 8 per cent. delinquents and 3.7 per cent. non-delinquents lost their mothers by death, but only 1.6 per cent. delinquents and 1.2 per cent. non-delinquents lost their mothers before the age of 5. Further, we find that the delinquents much more frequently than the non-delinquents, in 26.2 per cent. cases compared to 9.4 per cent., had been away from home, for reasons not connected with their delinquency. How many had been away before the age of 5, and how many had been away for three months or more, is not stated.²² The reasons for their leaving home are mainly the following: the home broke up, the parents financially unable to care for the boy, or the home considered unsuitable by court or agency. In only 4.8 per cent. of the delinquency cases, compared to 2 per cent. of the non-delinquency cases, the reasons for leaving home were illness of parents or boy. This is important to note, since it shows that in most of the cases in which the boy had to leave his home, the home was probably not of the best quality.

Among the studies referred to above the strongest evidence is given by Bowlby's own empirical investigation and by the study of E. O'Kelly on the relationships between delinquent girls and their parents. A marked indication in the opposite direction is found in the series of studies made by Goldfarb and discussed by Bowlby. Goldfarb²³ compared two groups, each of fifteen children between the ages of 10 and 14, living in foster homes in New York State. The children of the test group had been in institutions from the age of 6 months to $3\frac{1}{2}$ years, while the children of the control group had lived in a family during this period. At the age of $3\frac{1}{2}$ all the children were placed in foster homes. Goldfarb describes several adverse effects of the institution experience, as brought out by differences in psychological test results and case-workers' ratings. However, as Bowlby points out, Goldfarb's findings show that only one of the institution children stole, none truanted, and no violent behaviour was observed. Bowlby believes that the difference between Goldfarb's and his own findings may be explained by the fact that Goldfarb's institution children had had next to no maternal experience before being institutionalized, while Bowlby's children had been with their mothers for some length of time, were then separated from her, and had finally been reunited with her. Though he regards the complete lack of maternal care as being attended by very serious consequences, he suggests that deprivation for a limited period, or frequent

²² Table XIII-4., p. 157, gives the number of boys leaving home before the age of 6: 15 per cent. of the delinquents, and 4.2 per cent. of the non-delinquents. However, these figures include the percentage of boys removed from home because of delinquency, and those running away from home.

²³ Goldfarb, W., *J. of Experimental Education*, 12, 1943.

changes, may be more specifically related to the antisocial reaction: 'Certainly it would appear that the more complete the deprivation in the early years, the more isolated and asocial the child, whereas the more deprivation is interspersed with satisfaction, the more ambivalent and antisocial he becomes.'²⁴

This explanation sounds very credible. However, another acceptable explanation is not far to seek: while Goldfarb's children had not had any contact with their original families, Bowlby's children had, apart from the period of separation, been under prolonged influence of their mothers, as well as of their fathers and their families and the parents' environment as a whole. This influence, though in certain ways furthering a much healthier development than the institutional experiences, may also have been especially conducive to delinquency.

Bowlby argues against the hereditary explanations of delinquency. However, his hypothesis has much stronger opponents among the extreme environmentalists. His hypothesis may be classified as belonging to the psychiatric or deviant personality approach to delinquency, and is closely related to the many theories on super-ego defects of delinquents. It is interesting to note that Bowlby's theory is best supported by one study of neurotic children and by another study of neurotic adolescent girls. Thus it is met by all the criticism put forth by the environmentalists against this approach. The Sutherlandian theory, *e.g.*, holds that the delinquents (or criminals) have normally developed egos and super-egos, and that their behaviour is in conformity with the norms of the social groups in which they are raised. Thus, there is no such thing as 'a delinquent and a non-delinquent character development', but only differences in standards of behaviour. The findings of Bowlby and others about frequent mother-child separations among delinquents may be explained as a result of the economic and social instability of the group of people who keep these standards, or who live in the neighbourhoods where such standards are prevalent.

An explanation more in line with Bowlby's, but yet denying the importance of the mother-child separation as such, might hold that, even though the delinquents deviate from the non-delinquents as regards character development, this is not caused by the separation, but by the faulty upbringing by the parents in the periods of non-separation. The parents most likely to part with their children are, it may be, the parents who are least able to bring up their children as law-abiding citizens. Thus, the result would have been as bad or worse, if the children had been with their parents all the time.

Let us state the question in the following way: Of two boys brought up in the same family, the one staying with the parents uninterruptedly through

²⁴ Bowlby, J., 'Maternal Care and Mental Health', p. 47.

his childhood, the other cared for in an institution during some of his early years, let us say between $1\frac{1}{2}$ and $3\frac{1}{2}$, which is the more likely to become delinquent? According to Bowlby's hypothesis, the one who was separated from his mother. We shall proceed to give this hypothesis a test by comparing delinquent and non-delinquent brothers with regard to the frequency and length of separations from their mothers. By establishing a control group among the brothers of the test-group members, we control the one factor which is most likely to disguise any conclusion on the effect of institutional upbringing, namely the quality of the original home. It is usual in studies of this kind to select the control group children from what are considered 'bad homes'. A more reliable result should be obtained if the homes of the delinquent and control children are identical.

Our interpretation of Bowlby's hypothesis on delinquency causation is given above. From this statement the following statement about delinquents and their non-delinquent brothers might be inferred: *Prolonged physical separations (that is, physical separations lasting at least three months, probably more than six) of a child from his mother during the five first years of life are more frequent among a group of delinquent boys, registered by the police authorities in Oslo, than among their non-delinquent brothers.*

A confirmation of this statement will be regarded as a confirmation or strengthening of Bowlby's hypothesis. A report will be given below of a small investigation conducted in order to collect data relevant to these statements.

FURTHER DATA COLLECTED

The delinquency group was selected from the files of Oslo Barnevernsnemnd (Child Protection Council). This agency acts as a Juvenile Court for the city of Oslo, and handles all cases of delinquency referred from the police, as well as cases of neglect, truancy and unruliness reported by the school authorities or directly by the parents. As a first step all boys born between 1939 and 1947 were selected, that is, between the ages of 10 and 18 years (18 years being the upper age limit for the authority of the Barnevernsnemnd). However, as we did not intend to include all cases formally classified as delinquency cases, and certainly not those classified as neglect, we selected as a second step only those cases in which the boy showed certain symptoms, that were considered to indicate a 'delinquent character development', according to our interpretation of Bowlby as discussed above (pp. 23-26). As criteria for selection the following were used:

(1) The boy must have been reported as showing *at least two different symptoms* among the following: stealing, truanting, violent behaviour, unruliness, running away, or staying out late at night.

(2) One of the symptoms must be stealing.

(3) There must have been at least one police case in relation to one of the symptoms.

Among the group thus selected those were left out who had no brother born between 1939 and 1947. The next step was to establish the non-delinquency of the brothers. Those who had been referred to the Barnevernsmnd for acts of delinquency, or were described as difficult in the file of the delinquent brother, were excluded. We also tried to contact the schools which the boys attended or had attended, in order to ask for information regarding their behaviour. However, such information was not obtained about all the boys, as in some cases it was impossible to decide which school the boy had attended, or the schools failed to answer.

After the various exclusions had been made, and the boys in the two groups had been matched for age, the remaining groups consisted of 42 delinquents and 42 controls. The average age of the delinquent group on July 1st, 1957, when the investigation started, was 14.58 and that of the control group 14.53. Of the 42 controls, 28 had been described by the school authorities as having shown no misconduct; 4 as having shown some misconduct, such as occasional truancy, or unruliness of a trifling nature, with no stealing. About the remaining 10 controls no information was obtained from the schools. However, 6 out of these 10 were described, either in the files of the Barnevernsmnd, or through a child guidance clinic attached to the elementary schools, as having shown no misconduct. About the 4 remaining controls nothing is known, except that they had not been reported to the Barnevernsmnd.

Our criteria for selection have placed certain limitations on our sample. Originally we wanted to take a representative sample of delinquent boys registered in Oslo. However, since stealing is especially stressed by Bowlby, we included point (2) above. Further, in an attempt to omit the 'chance delinquents', we included point (1).

Information about the children's separations from their mothers was gathered from several different sources. Some data were given in the files of the Barnevernsmnd. Further information was supplied by the Assistance Board,²⁵ Oslo Address Records office,²⁶ Oslo Health Department,²⁷ Dr. Nic. Waal's Institute,²⁸ and the School Guidance Clinic. Further, a list

²⁵ The Assistance Board supports the children in public as well as private orphanages when the parents are unable to do so.

²⁶ The Oslo Address Records office registers changes in the addresses of all persons living in the city of Oslo.

²⁷ Up to 1953, all orphanages in Oslo were supposed to report the admission and discharge of each child to Oslo Health Department if the placements were not arranged by Oslo Barnevernsmnd.

²⁸ Dr. Nic. Waal's Institute is a private child guidance clinic much used by Oslo Barnevernsmnd.

of names of the delinquent and control children was sent to all orphanages in Oslo and to a great number in the provinces. Lastly, the mothers of each sibling pair were, if possible, contacted, and interviewed about possible placements in institutions, in hospitals or with relatives. The interviews were sought under the pretext of seeking information about the need for building more child-care institutions in Oslo. Of the forty-one mothers, thirty-three were interviewed. The remaining eight could not be reached for several reasons: in four cases the mother refused to be interviewed, in one case the mother was dead, in two cases the mother had left the family, in one case the family had recently moved out of town.

Table 1 shows the absolute figures as well as the percentage of separations of various lengths of time for the delinquents and the non-delinquents. The first figure in the first column says that four delinquents were separated from their mothers for at least six months in succession at least once before the age of 5.

TABLE 1

<i>Mother-child separation</i>	<i>Delinquent</i>	<i>Non-delinquent</i>	<i>% Delinquent</i>	<i>% Non-delinquent</i>
At least 6 months before age 5	4	8	10	20
" " 3 " " 5	6	11	15	27
" " 1 " " 5	14	14	34	34
" " 3 " " 10	12	14	29	34

DISCUSSION OF THE NEW EVIDENCE

When comparing the figures for the delinquents and non-delinquents, we find that separations have been less frequent among the delinquents than among their non-delinquent brothers. Thus, the data disconfirm our interpretation of Bowlby's hypothesis as well as the inferred statement, formulated on p.31 above. The differences are too small, however, to warrant any conclusion in the opposite direction.

Now, it seems clear to us that the figures give no exact picture of the amount of separation that has taken place between these children and their mothers. Undoubtedly, there have been separations which have not come to our knowledge, and if the sources of evidence had been more reliable, the figures would have been higher. It is our belief that our information about official placements is fairly accurate, but we think it most likely that there have been more private placements than reported by the mothers interviewed. However, this source of error works both ways. We cannot see any reason

why the relation between the amount of separation in the two groups should be much changed with accumulated evidence. Certain sources of evidence tended to give more information about the delinquents than about the non-delinquents: seventeen of the delinquents as against four of the non-delinquents had been studied by school psychologists or in a private child guidance clinic, thus giving a more complete case-history in these instances. On the other hand, the test leader may have been prejudiced against Bowlby's hypothesis (though she strongly believes she was not). This could have influenced her selection of cases with the effect that delinquents with separations were more readily excluded from the material and thereby lowered the total number of separations recorded. However, as the information about the brothers was very meagre in the files of the Barnevernsnemnd, such a bias could hardly influence the relation between the separations of delinquents and non-delinquents. Further, such a prejudice could have influenced the interviewers, thus furnishing more material about the non-delinquents than about the delinquents. The interviews were made by two different persons, interviewers I and II, the latter not having been told which of the subjects belonged to the delinquent and which to the non-delinquent group. The number of separations which came to our knowledge through these interviews, and about which we had not learned from other sources, were six for the delinquents, and five for the non-delinquents, when one month or more before the age of 5, or three months or more before the age of 10, were counted as separations. The information obtained by the two interviewers was distributed among the two groups in the following way:

TABLE 2

	<i>Delinquent</i>	<i>Non-delinquent</i>
Interviewer I	2	3
„ II	4	2
	—	—
	6	5

Table 2 suggests that such a bias may in fact have been operating. The figures are, however, so small that a possible falsification could not have changed the picture.

It seems that, in the cases here studied, mother-separation cannot be considered to 'stand foremost among the causes' of the delinquent character development. We consider it a disconfirmation of Bowlby's hypothesis, as this hypothesis is interpreted in this paper.

There is, of course, no contradiction between these findings and Bowlby's 'general proposition' about mother-deprivation and character development. But the findings contradict his statements about delinquency. The discrepancy between Bowlby's own empirical findings and those of O'Kelly on the one hand and, on the other hand, those presented above, deserves some comments. There is one shortcoming of the present investigation which we think may be serious. In order to make sure that the home environment was as identical as possible in the two groups, we only included in our delinquent group those who had non-delinquent brothers. Though we think the identical mother is an important feature of our investigation, this feature also puts certain limits to the sample. Only children, and children with sisters but no brothers, are excluded from the sample. It is probable that the etiology of the delinquency of the only child is different from that of the child with siblings, and it is possible that mother-separation is more conducive to delinquency in these cases. It is also possible that by including only those delinquents who had *non-delinquent* brothers, we selected those cases in which the main causes of the delinquency were to be found outside the home. Further studies will be carried out in an attempt to analyse these factors.

Keeping these considerations in mind, we still think there are other differences between the sample of the present investigation and those of Bowlby and O'Kelly, which are more likely to explain the difference in results. There are differences in age, sex and nationality. Moreover, Bowlby and O'Kelly both studied neurotic subjects. We believe that the greater part of registered delinquents are not neurotic, and further that neurotic delinquents differ from non-neurotics as regards the causes of their delinquency.

Our conclusion is that Bowlby's unreserved generalization in regard to the problem of delinquency and adult antisociability is too wide.

PUNISHMENT BY THE STATE—ITS MOTIVES AND FORM

BY P. CALLARD (EXETER)

Is retribution an acceptable motive for punishment? Is it contrary to the purpose of constructive penological treatment, or can it be argued that, on the other hand, no penal action which lacks this element is socially constructive?

Archbishop W. Temple ¹ argued that the retributive is a necessary element in state punishment, though he went on to assert that it is inadequate as the only motive. Professor Anthony Flew ² has also contended that retribution cannot be the sole justification for punishment, as in occasional instances it may not be present, but he holds that it is implied in the very meaning of punishment. Punishment implies some painful experience, and this is the aspect usually associated with the retributive motive. Can this punitive element be eliminated from penal treatment, or would that change its very nature? Much modern penal practice seems to the casual observer to seek to do just that. Also the idea of retribution has in recent years been unpopular in many quarters. To other thinkers, however, it seems to be an inherent and universal element in the structure of human experience, especially in the processes of learning. And to the extent that even reform, let alone deterrence, requires that some painful experience be associated with anti-social behaviour, all schools of penology will probably accept that some punitive aspects must be present in all constructive treatment of offenders.

Supposing that it be accepted that retribution is a valid and justifiable motive, what is its proper place? What characteristics of state punishment differentiate it from effective methods of private punishment? What would be the implications for our penal system if retribution could have its place simply in the processes of the court? Would this be enough? Could it leave all subsequent action free to pursue the functions which do not so much look back to the crime, but simply look forward to the offender's future behaviour in society?

For the purposes of this argument, punishment will be regarded as action conforming to the requirements set out in Professor Flew's article:

¹ W. Temple, 'The Ethics of Penal Action', First Clarke Hall Lecture, 1934.

² A. Flew, 'The Justification of Punishment', *Philosophy*, Oct., 1954.

(i) it must be an evil, an unpleasantness, to the victim; (ii) it must (at least be supposed to) be for an offence; (iii) it must (at least be supposed to) be of the offender; (iv) it must be the work of personal agencies; (v) in a standard case it must (at least be supposed to) be imposed by virtue of some special authority, conferred through or by the institutions against the laws or rules of which the offence has been committed.

Retribution has frequently been confused with revenge, because the purposeful infliction of pain upon the offender is also the motive underlying personal vengeance. But when punishment is imposed by the courts, personal malevolence is avoided, as it is undertaken in the name of the community, not in the interests of individuals. Professor L. Hodgson writes ³ that punishment 'is an activity which, by its very nature can only exist between a community and a member of itself . . . When one man claims to be inflicting punishment on another, it can only really be punishment if, like a judge, he has the authority to act in the name of the community to which both belong'. This distinguishes punishment, even in the family or school, from mere whim or revenge.

In retribution, the paramount purpose is to vindicate the laws or rules which have been broken, and to show that anti-social conduct brings some penalty to the offender himself. In ideal conditions, he would feel the pain suffered by his victim as if it were his own; in real life some substitute method of bringing this experience home to him is required. The court therefore imposes consequences on the offender to serve the instructive role of the painful results which follow unwise action in all human behaviour. Men only learn through this regular sequence—results following causes. The failure to fit a square peg into a round hole, or the burnt finger which has been placed in the fire, eventually teach suitable patterns of behaviour. It is simply, therefore, the intervention of a personal agent, imposing the penalty, which constitutes the difference between cause and effect and retribution, for the latter regards punishment as ensuing as naturally from the commission of a crime as, for instance, chemical sequences in the laboratory. Is man unjustified in intervening to make the member suffer who does not otherwise feel the hurt of other members of his community which results from his own action?

It seems that the sense of community is the key concept in many ways. For if a member of a society offends against another, his action is rightly regarded as representative of his community unless it is repudiated publicly. The court, therefore, declares to the offender, his victim, and to all members of the community that it stands for the law's requirements, is on the side of

³ Professor L. Hodgson, 'The Doctrine of the Atonement', Hale Lectures in 1950 (1951) p. 56.

social and not anti-social conduct. The community indicates its opposition to the criminal in so far as he is one. Were it not to do this, there would be no agreed system of values, no constant unified community with which the offender could be reintegrated when he changed his ways. To quote Professor Hodgson again ⁴: 'It is in the interests of the wrongdoer himself that the community should disown and dissociate itself from connivance at his evil acts.' All communities, through their authorities, be they parents or teachers, express disapproval for this reason when their standards are flouted. They do so in the interests of education, for we learn in no other way. 'Punishment . . . is the counterbalancing of the freedom of the individual to run his own life by the freedom of the community to repudiate his transgressions of its standards.'⁵

To the determinist philosopher, of course, retribution is untenable, as it views the consequences of the anti-social conduct as the sequel of the free, if conditioned, choice of the offender. Yet such a thinker sees the necessity for painful consequences to follow anti-social behaviour also in order to educate the offender. He too uses them to stimulate the offender to act differently in future.

The reformatory motive, on the other hand, seeks to inculcate in the offender quite different motives and patterns of behaviour. Deterrence, too, aims at changing his future actions, but uses the contrasting method of making crime unprofitable because of its painful associations for the offender himself. Reform is positive while deterrence is negative, and the choice between them nowadays is held usually to depend mainly on the potentialities of the offender himself. Both these considerations, however, work towards the future activity of the offender rather than looking back to the offence. They only regard the past as an indication of how the offender can best be made to change his conduct in future. Yet it is this looking back to the offence which is the essence of the retributive element. 'Retributive simply means that it is action which looks back to something already done.'⁶ Without such an element, reform and deterrence would not differ at all from education and prevention. They can and do exist apart from offences committed, in instructions on suitable conduct and fencing of machinery, for example, to avoid injury. This fact is made specific by Professor Hodgson when he argues ⁷ that deterrence and reform are, in fact, not theories of punishment nor an essential part of it at all: their distinctive elements can exist apart from any crime. Retribution alone,

⁴ *Loc. cit.* p. 58.

⁵ *Loc. cit.* p. 59.

⁶ *Loc. cit.* p. 59.

⁷ *Loc. cit.* p. 55.

when associated with them, makes punishment what it is. It alone is essential, and distinguishes deterrence and reform from normal teaching processes.

The positive aspect of retribution is its role in re-establishing the authority of the state, which has been flouted by the disobedience of the offender. If no action is taken to dissociate society from the offence, other citizens may well regard the law as being of no effect, or even consider the offence as having been committed with the connivance of the community. Some action is required to assert the goodwill of the society towards the injured party in opposition to the ill-will of the offender. This is done by the declaration of the judge that society recognizes the offender as having severed his membership of the community by his anti-social behaviour. As the agent of the community, the judge pronounces a form of ostracism, or rejection, of the offender himself because of his deed. This would be a painful consequence for anyone who valued deeply his membership of the society, or depended upon it in any important way. The degree of dependence on the society concerned will, however, determine the force attaching to its formal denunciation of his action. Therefore it is relevant to consider how far the state can exercise a significant influence upon an offender in this way.

Both the structure and function of the different groups to which an offender belongs will affect their influence over him. The state is a large, impersonal entity, whose unity is broken up by the existence of many more intimate groupings, or even of sub-cultures. Its boundaries are legally determined, but most of its membership is personally unknown to the individual, so that its character appears amorphous to him. Its functions are carried out by an infinite number of officials, impersonal agents, acting in the name of various functional bodies. Even the main tasks the state performs are often largely impersonal, such as street cleansing and defence, which affect the over-all environment rather than the immediate private life of the individual. It cultivates the distant type of relationship, because it must act impartially, and subjective elements must be avoided in its administration. When it does treat one person differently from another, it must do so in terms of their divergent 'categories'. Where one person is individually distinguished, it is by the use of a cold 'case number'. In all these ways the relation between the state and its citizens differs in an important way from that of a family and its members.

What is more, its purpose towards its members must differ in emphasis even more than it does in content. Home and school share with the state the function of inducing an offender against their rules to conform to them. He must be made to recognize that actions contrary to practices which enable his society to function harmoniously should be avoided, and those necessary to its continued existence must be performed. But the chief concern of the

state is with the welfare of the whole society, for no other agency exists to uphold its total interests. The judge must therefore put first his task of 'protecting society'. For the family and the school their own preservation is essential, but a subsidiary concern, as their necessity is unquestioned; their primary concern is with the welfare of the individual. In the small group it is likely that other members are willing to sacrifice voluntarily some of their rights if the child can learn thereby to behave in a socially approved manner. In fact, their willingness to do so can often be taken for granted, as sacrifices of this kind are known to inhere conspicuously in the role of 'parent', 'brother', or 'teacher'. Also, in such groups there is usually an accepted pattern of conduct which is acknowledged to be desirable, and which it is one of the group's functions to induce in the offender.

The state, however, is not in such a position, for its chief function is that of protecting its members from disorder, while its role as educator is viewed with some doubt. It should uphold the rights of its members, and any tendency to sacrifice the rights of one group, even in the interests of another or of a single individual, is therefore suspect. As Hobbes emphasized, the state cannot afford to allow any shadow of doubt to arise, either, about its sovereignty, and that includes the rightness of its laws as well as its power to enforce them. If criminal activity occurs without state reaction, therefore, the state risks creating the impression that it is not fulfilling its function of guarding the established law and order. (Sometimes it is claimed that there are ultimate moral values, as well as merely relative norms, for which this order stands. As guardian of such values the state becomes a moral agent. But this need not be thought to imply that the state is the source of moral values, as has sometimes been argued.) The exercise of sanctions, however, in the name of the community is an educational task, and the social function of court action, which secures publicity for the content of the law, has been indicated by Durkheim.⁸ By this action the court not only instructs the offender that the community rejects his deed, it also educates the whole community, and may in addition deter some from anti-social conduct. State judicial action, therefore, is rightly seen as not merely a political function, but as an extreme form of educational activity too.

Another handicap is that all the members of a state are rarely unanimous about the wrongfulness of particular actions. Sub-cultures are present, some of which accept criminal behaviour as their norm. Even the membership of the state in a cultural sense is in doubt for adherents of such sub-cultures, and it is certain that, having known their way of life to be rejected by the larger community all their lives, such people will feel no loss to have

⁸ E. Durkheim, 'The Division of Labour' (1933), p. 74.

this fact made public. It is only another experience common to members of their own 'real' community.

Similarly, though the child who breaks the rules of his group may not recognize the threat he brings thereby to its continued existence, he becomes aware very intimately, through the reaction of those in authority in that group, that his membership of it is rendered more uncertain as the result of his anti-social behaviour. This increases his awareness of the importance of its continuance to him. The state, on the other hand, appears so securely established, its powers against him are patently so much in excess of those he can muster, that he feels no responsibility to assist in its maintenance or security. In fact, he most often regards the resources of the community as something existing apart altogether from his own contribution, and as something belonging to 'them', which he delights in reducing, especially if he can thereby add to what is really 'his'. This phenomenon, so widespread, is another indication of the tenuous sense of belonging produced by membership of a modern state, even among those whose motivations are not basically anti-social.

All these factors make significant differences in the means available to the state to satisfy the requirements of effective reformatory punishment, such as those suggested by L. Sears in his book 'Responsibility.' The first of these is that punishment should be administered by someone who is recognized as having authority to punish, or by someone respected by or closely involved with the offender. This is easily ensured by parents or teachers, for the direct dependence of the child upon them for the satisfaction of his physical or psychological needs gives them immediate significance in his life, and therefore natural authority over him. The state's impersonality and the amorphous nature of the total society deny it these effective means which operate in intimate relationships. Recognition of the state's authority and respect for it must be the alternative means of control. So the necessity for the state to see that its authority is not flouted is all the greater. It must guard all the more carefully against any suggestion that any individual is allowed 'to get away with it', for it must be just, and appear to be so, if respect for it is to be strong. But the artificial dignity of judge and court are always weak substitutes for the real nature of a child's dependence on parents or gang-members. Even the adult's need to be socially accepted is usually satisfied by the small group far more than by the fact of a 'blameless legal reputation' in the larger community. (The increase in highway and other similar 'civil' types of offence has in any case weakened the sanction of 'appearing in court' for the community as a whole.) If the offender has never been identified with or felt that he secured any advantages from his membership of his larger society he is not likely to suffer great

hardship from the formal denunciation of his action by that society. This is what renders so weak the punitive element in the 'finding of guilt' or 'conviction' of an offender.

The fact that it 'fails to carry conviction' with the offender himself, for reasons already discussed among others, raises difficulties. Were it effective, it might bear the whole of the retributive element which the state should justifiably (this article contends) include in its punishment of criminals. Then a merely educational task would remain to the rest of the penal agencies. In any case, the court conviction is necessary in order to vindicate the law to others than the offender. But if conviction in itself fails to impress its full meaning on the offender, should some retributive purpose be carried over into the determination of his sentence, and its administration? For reform of necessity requires a recognition of the true nature of his action, inducing some form of repentance. It thus includes some regard for the past which is rightly seen as retributive. Alternatively, where a deterrent policy is advocated, there is no question that a punitive form of treatment must be firmly linked with the past event of the offence to be effective. It is obvious that the usual form of sentence given for serious offences, that of imprisonment, forcibly separates the offender from social contact with other members of society, and does therefore symbolize most effectively just this element of rejection. But its consequences for other necessary elements of effective reformatory punishment are, of course, less favourable.

A second constituent of reformatory treatment, Sears points out, is that the shame associated with the offence should not shatter the offender's self-respect so severely that it causes him to give up hope of improvement, nor remove from him the means of translating the will to reform into practice. Once a child has recognized the way in which his behaviour has alienated from him the approval and acceptance of those on whom he depends, he must be reassured of his restoration to favour if he is again to identify himself with the norms of his group. Parents and immediate friends can express this reassurance quite simply in their attitudes and actions. But, in the case of the state, restoration is rarely what is needed; it is often a matter of building up for the first time some sense of social involvement, some awareness that the society is concerned about his welfare. And it may be difficult to make him believe—as it is difficult to get the public to accept—that *in consequence* of his misdeeds society is showing greater concern for his welfare. When this is done immediately after the judge has declared, in the name of society, that he is a criminal it is even more confusing. The parent may be able to judge when the 'psychological moment' for such a reconciliation has come, and his personal, all-embracing relationship with the child makes such a variety of attitudes something which is not abnormal. But when two

different agents of the state take such divergent attitudes, misunderstanding can easily be evoked. The contrary nature of the two components of effective treatment, however, makes this an unavoidable problem. Yet it is crucial to its effect that the change from rejection to assurance of concern should be made at the right moment. Rarely will this be the time when the offender moves physically from the court to the prison. Indeed, it will demand considerable experience and insight to decide just when this change is psychologically appropriate. This task is devolved upon the prison administration. They are not unaccustomed to contrary rôles, as they are continually required to ensure security at the same time as they seek to evoke a sense of responsibility in prisoners.

What effect upon these tasks has the development of the Welfare State produced? It should be more apparent, in a society which does so much for the welfare of its citizens, that membership of the community is worthwhile. But the widespread policy of giving benefits as part of insurance schemes, so that some contribution has been given for such benefits, removes the element of social obligation which is present if benefits are provided out of general public funds—merely as ‘a citizen’s right’. The withdrawal of the right to such benefits as unemployment or sickness pay to wives and families while an offender is in prison may indicate some penalty attaching to social rejection, it may be suggested. But to have this impact there must be appreciation of the difference of drawing funds from the Ministry of National Insurance instead of from the National Assistance Board. As the allowance given by the latter is often more generous than the scale of benefits available under the former this is not likely in practice to be an effective instrument.

Even if the principle of ‘less eligibility’ were still effective today, the lot of a prisoner would not have to be so very grim. But, when the general standard of welfare is high, it may be difficult to use social services which were available to a man before his sentence as a means of convincing him of society’s concern for his well-being. The task of the prison service is not much eased, therefore, by the favourable opportunities provided for every citizen today. In the view of T. H. Green⁹ the state’s rôle towards offenders should be limited to the action needed to uphold the established ‘real’ rights of citizens—the minimal rights of all to contribute to the common good and to play their part in promoting their own welfare. The state was allowed to have a reformatory purpose, but only incidentally to its task of protecting the rights of all citizens; that is, in order that the criminal himself should be enabled to exercise his rights properly. It should in no way direct him as to how he should use those rights positively. This theory failed to recognize, in fact, the inherently educational function of exercising social

⁹ T. H. Green, ‘Principles of Political Obligation’ (1901).

sanctions. It was part of the philosophy which conceived the state as having only a negative rôle to fulfil, debarring it from positive action. Today, however, the state is being used positively to promote society's objectives of increasing social responsibility and cohesion, of enlarging the experiences of common citizenship, and as the means of caring for the unfortunate and handicapped. Therefore it is logical to give the state penal system a more positive rôle too. In theory, if not always in practice even in the training sections of prisons, the offender is directed towards socially acceptable conduct, and not merely punished.

Probably the greatest gain in penal practice recently, in making effective the principles already discussed, is the acceptance of individualization of treatment as an avowed objective. It has two obvious connections with them. Punishment, it is now widely accepted, should fit the criminal rather than the crime. In so far as conduct indicates the true nature of its author, the change is less important. But frequently the immediate cause of state action, the crime, is a less satisfactory basis on which to begin re-education than the sum total of the offender's record. What he is, not only what he has done, becomes the relevant consideration. This change does not, however, invalidate the 'looking-back' required by retribution. It demands simply that the nature of the criminal, in so far as it can be judged by others, should be the past considered rather than a single act he has performed. The method of re-education which should be selected for the offender is likely to be more fundamentally affected by this new policy.

The other result of individualization is that it implies a more personal type of treatment, not only in giving sentence, but also in the administration of punishment. Personal relationships alone can make real to an offender the importance of acceptance by other people, outside his immediate social group in particular. They are the means of educating him to understand, therefore, the true significance of society's rejection of him. Even so, the difficulties of doing so remain immense; for the authors of anti-social conduct are by definition those to whom a sense of social responsibility—of society's response to them and their response to society—is at a minimum.

The greater discretion permitted to the prison administration in deciding the length of imprisonment also is a gain in fitting the phases of punishment to the needs of the offender. So long as it is possible to relate the decision to release on licence to the actual condition of the prisoner—and such decisions are not made mechanically, but consider all that can be known in each case—the ending of the punitive and the full expression of the purely reformative phase can be suitably timed. (It is regretted, not the desire of prison administrators, that punishment can so often be said to apply most forcibly at the time of a prisoner's release from prison, in practice.) The

delicacy of judgment required to assess when this stage is reached should certainly not be expected of the judge in court. It is a task rightly delegated to those in more lengthy personal contact with the offender. Even for them it is a most difficult decision.

It appears reasonable to conclude that in theory the necessary retributive component in the state's punishment of offenders could be fully exercised towards him by all the implications of his court conviction. Indeed, this is the policy followed in cases where the offence is held to be an exceptional misdemeanour of someone basically socially responsible. The nature of those who commit serious anti-social behaviour, however, and the characteristics of the modern state, militate against conviction being sufficiently potent in its effect upon them. It is therefore necessary for the otherwise purely educational activities of the institutions of the penal system to be modified by a backward-looking element, transforming their action into punishment. Reform and deterrence do in fact involve this retributive factor, or they should logically be dissociated from the penal system and linked instead with the educational activities of society. That society is prepared to do this, as the name 'Approved School' indicates, in cases where education rather than punishment is considered appropriate, is evidence of the reality of this possibility. But in cases where punishment is really involved, the essential component of retribution still calls for a distinctive system of institutions, the penal system.

I.S.T.D. SUMMER SCHOOL

14th-19th SEPTEMBER 1959

FLORENCE NIGHTINGALE HALL,
NOTTINGHAM UNIVERSITY

The theme of the School will be

“CRIME AND PUNISHMENT”

Morning lectures followed by group discussions; afternoon visits to prisons, Borstals, approved schools and other institutions; evening lectures followed by general discussion.

Booking forms and details: Institute for the Study and Treatment of Delinquency, 8, Bourdon Street, Davies Street, London, W.1.

Tel: MAYfair 3472.

RESEARCH AND METHODOLOGY

(Continued from Vol. IX, p. 285)

CURRENT RESEARCH. LXIII. FOLLOW-UP STUDY OF GIRLS FROM A PROBATION HOSTEL.

(1) *Name of University Department, Hospital or other Institution or private person supplying the information:* Miss M. K. McCullough.

(2) *Subject of Research:* A follow-up study of a group of girls aged 15-18 who were sent to a probation hostel between 1953 and 1956.

(3) *Under whose auspices is the research being carried out?* Private project. *Research worker:* Miss M. K. McCullough.

(4) *Commenced:* 1958. *Completion expected:* 1960.

(5) *Publication:* No results so far published.

CURRENT RESEARCH. LXIV. SHOPLIFTING.

(1) The Institute for the Study and Treatment of Delinquency.

(2) A sample of cases convicted of shoplifting in selected areas of London and of others sent to prison.

(3) The Institute for the Study and Treatment of Delinquency. *Research worker:* Miss J. Hazzard under the direction of Dr. T. C. N. Gibbens and with the collaboration of Dr. P. Epps.

(4) *Commenced:* May 1959. *Completion expected:* 1960.

(5) No results published.

CURRENT RESEARCH. LXV. THE CLIENTS OF PROSTITUTES.

(1) Dr. T. C. N. Gibbens, Lecturer in Forensic Psychiatry, London University.

(2) Case studies of the clients of female prostitutes.

(3) Institute of Psychiatry, London University, with the help of a grant from the Mental Health Research Fund. *Research worker:* Mr. M. Silberman, under the direction of Dr. Gibbens.

(4) *Commenced:* September 1958. *Completion expected:* 1959.

(5) No results so far published.

OPINIONS OF PRISONERS ABOUT THE APPLICATION OF PENAL LAW

Author's Summary

The purpose of this study¹ is to collect opinions and experiences of prisoners about the application of penal law. These opinions and experiences are probably inaccurate and partial, but nevertheless they are of importance because we are concerned with people having these opinions and experiences, and because they greatly determine their attitudes towards the application of the penal law and the society to which they will return after expiration of their sentence. Moreover,

¹ 'Meningen van Gebetineerden over de Strafrechtspleging' (Opinions of Prisoners about the Application of Penal Law). By Dr. R. Rijksen. (Criminologische Studiën. Publicaties van het criminologisch en strafrechtelijk instituut aan de Rijksuniversiteit te Utrecht. Deel IV.)

they provide a new, realistic and often penetrating view on the problems of the criminal law. The study emphasizes that theoretical contemplation is not sufficient to solve these fundamentally human problems.

The research was carried out in 1956. In January 1956 there were about 4,600 men and women in Dutch prisons. In fifteen prisons selected for this purpose, the inmates were asked by letter or prison-radio to write down their opinions and experiences about the administration of justice. A questionnaire was not used, only a number of topics were mentioned *pro memoria*. The prisoners were totally free to decide if and what they could write. There was no censure by prison officials; the letters of the inmates were sent unopened to the Criminological Institute at Utrecht. Anonymity was guaranteed. By special measures mutual contact between the inmates was made impossible; they could not influence each other about the contents of their letters.

The result was that 901 prisoners have written about their experiences, that is 63 per cent. of all inmates who were asked to co-operate. The length of the letters varied from some lines to thirty pages, most of them covering four to eight folio sheets. The topics were varied. Many of the inmates gave their own story of their lives and crimes (this was not the purpose of the research), and an ample description of their contacts with many administrators of justice. These parts of the letters were selected and arranged in the following chapters: police investigation, prosecution, transport (from prison to court, etc.), previous arrests, the gathering of information about the circumstances and their way of life, the psychiatric side, the trial, the appeal to the higher court, classification for the execution of the sentence, the prison, conditional release, parole and the return to free society. The opinions about the last two topics were naturally founded on experiences after previous sentences.

The extracts from the letters were reproduced in the writers' own words. They are, apart from a short introduction, not commented upon. This book is not for sale, because of the delicacy of the matter; 1,000 copies have been printed, to be sent to officials, such as police officers, probation officers, officials of the prosecuting authorities, judges, psychiatrists, prison officials, members of various councils. A number of copies were also sent to scientific institutes and workers in the field of criminal law and criminology. They were all asked to give their opinions about the problems mentioned in this book.

R. RIJKSEN.

FIRST INTERNATIONAL CONGRESS OF CRIMINAL PROPHYLAXIS

This Congress will be held at Paris from 27th–30th September 1959, under the Presidency of M.M. PATIN, *President de la Chambre Criminelle de la Cour de Cassation*.

The subject will be: "Technical civilisation and criminal prophylaxis. The effects of technical progress on criminality."

Applications should be sent to: M. V. V. STANCIU, *Secrétaire général de la Société Internationale de Prophylaxie Sociale*, 7 avenue du General-Leclerc, Boulogne (Seine), France.

NOTES AND CRITICISMS

THE INSTITUTE OF CRIMINAL SCIENCE, UNIVERSITY OF COPENHAGEN

An Institute of Criminal Science was established at the University of Copenhagen on 1st April, 1957. Connected with the Faculty of Law and Political Science, the Institute is directed by Professor Dr. jur. Knud Waaben. Dr. jur. Karl O. Christiansen, Assistant Professor in Criminology at the University, is Assistant Director. The Institute's activities consist of research in the areas of criminology, criminal policy and penal law, as well as educational training.

Among a number of less extensive investigations which have been carried out are the following:

(1) A study of persons arrested for drunkenness in Copenhagen (reported in 'Årsberetning fra Københavns Politis Sociale Hjelpe-tjeneste', 1956-57 (the Annual Report of Copenhagen Police Force's Social Service Division)).

(2) Karl O. Christiansen in co-operation with Cand. Act. Arne Nielsen: Anticipated crime rates due to the high birth rate during World War II (published in *Nordisk Tidsskrift for Kriminalvidenskab*, 1958, hefte I (the *Scandinavian Journal of Criminal Science*, 1958, Part I)).

(3) Karl O. Christiansen and L. Nordskov Nielsen: Withdrawal of charge conditioned on transfer to child welfare authorities. A study of recidivism among young offenders in cases where the criminal charge was withdrawn. (Published in *Nordisk Tidsskrift for Kriminalvidenskab*, 1958, hefte III-IV (the *Scandinavian Journal of Criminal Science*, 1958, Parts III-IV)).

(4) Karl O. Christiansen in co-operation with Cand. Act. Arne Nielsen: Incidence of criminality in Denmark (published in *Nordisk Tidsskrift for Kriminalvidenskab*, 1959, hefte I (the *Scandinavian Journal of Criminal Science*, 1959, Part I)).

(5) An investigation of the development of juvenile delinquency from 1933 to 1955, carried out for the permanent Criminal Code Commission by Karl O. Christiansen, and brought up to date at the Institute. (Published in 1959 as a supplement to the Commission's report on juvenile delinquency.)

Other more extensive research projects are in progress, among which the following should be mentioned:

(6) A study of the occurrence of criminality among Danish twins (in co-operation with the Institute of Human Genetics).

Material: The Institute of Human Genetics has recorded all twin-births on the Danish islands during the period 1870-1910; in Jutland, the Danish peninsula, a similar registration is now in course of preparation for the years 1870-1920. The basis of the criminological investigation is an examination of the twin data from the islands for the years 1880-1910. (It is intended later to extend the project to cover Jutland for the period 1880-1920, provided that the necessary grants can be obtained.) A conservative estimate would indicate that true criminality will be found in approximately 650 individuals; most likely some 200 of these have committed criminal acts of a more serious nature. The material must be characterized as a complete and unselected series of twins (Luxenburger).

Preparation: Information from the Central Police Register and the penal registers, in addition to documental data, is being utilized; with respect to the 200 individuals with more pronounced criminal careers, sociological, socio-psychological, and psychological interviewing and testing, as well as psychiatric examination, are being applied.

By this intensive investigation the principal problem of the interaction between hereditary and environmental factors in the genesis of criminality will possibly be illuminated in somewhat greater detail than in certain earlier studies. However, the main stress will be placed on a description of the twins' development from a social viewpoint, and its significance with respect to their criminal careers. The frequency of concordance in this material is substantially lower than that found in other investigations.

(7) Recidivism among collaborators with the Germans in Denmark during the World War II.

Material: About 3,000 male collaborators whose cases are dealt with in Karl O. Christiansen, 'Landssvigerkriminaliteten i sociologisk belysning' (Collaboration with the Germans in Denmark from a sociological point of view. Copenhagen, 1955).

Preparation: The indexed data from the earlier investigations of collaborators is being supplemented by information from the Central Police Register for the period up to 31st December, 1955, and the frequency of recidivism in various groups is being examined.

(8) The Rock and Roll Disturbances in Copenhagen in August 1957. During the first week of August 1957, 63 young persons were arrested at the Town Hall Square as a result of disturbances which began outside a nearby theatre where the film 'Rock Around the Clock' was showing. Plans for an investigation of these occurrences and the young persons implicated were made in co-operation with the Psychological Laboratory. Approximately 50 of these individuals received interviews based on a detailed questionnaire which was directed primarily toward a socio-psychological elucidation of the problem. Furthermore, a special picture-test, devised by the Psychological Laboratory, was given. This test was constructed from published and unpublished photographs of the disturbances.

The disturbances and the investigation which followed provided additional reason for the planning of a study of police officers' attitudes towards young persons and their problems. This study is to be based on a detailed interview questionnaire. A preliminary investigation has been carried out, but the questionnaire has not yet reached its final form.

(9) Statistical investigations dealing with the criminological significance of such factors as age, sex and geographical environment, together with spadework for a general study of recidivism among Danish offenders. These studies are a continuation of some of the above-mentioned completed statistical investigations. It is hoped that within the space of a few years a comprehensive body of statistical material can be compiled for a detailed mapping of crime in Denmark. Such data will furthermore serve as a meaningful basis for an evaluation of the effectiveness of various penal sanctions.

(10) Follow-up investigation of former short-term prisoners. In 1952-53 an investigation of persons sentenced to short terms in Copenhagen's prisons was undertaken at the request of the Bureau of Prisons. A report of this study has been

published: Karen Berntsen and Karl O. Christiansen, 'Male Short-term Offenders in Copenhagen's Prisons. An Investigation and an Experiment'. Copenhagen, 1953.

The primary purpose of the follow-up investigation is to examine recidivism and resocialization in an intensively treated group of prisoners and in an untreated control group. The study is being carried out in co-operation with the Bureau of Prisons.

The Institute's educational and instructional activities have consisted of holding seminars and giving advice and assistance to Danish and foreign undergraduate and graduate students who are working on criminological research projects. Contacts with colleagues in the other Scandinavian countries have also been established, and the last few years have witnessed effective endeavours towards the organization of permanent Scandinavian co-operation in the area of criminology.

The Institute's address is: The Institute of Criminal Science, University of Copenhagen, Studiestræde 10, Copenhagen K, Denmark.

KARL O. CHRISTIANSEN.

THE DELINQUENT, HIS FAMILY AND THE SOCIAL GROUP

The special contribution that sociologists have made to our understanding of the total delinquency process, the origin, development and consequently the treatment of offenders, lies in their appreciation of the significance of the social group as one of the major determinants of human behaviour. Experiences in the family circle, with the street-corner play group, in a particular class in a particular school in a particular neighbourhood present the growing child with ideas and values that are neither innate nor entirely the product of his individual psychology. He accepts such ideas and attitudes uncritically and on trust as the price he willingly pays for social acceptance. The significance of this in the etiology of delinquent behaviour with its well-established association with gang affiliation is immediately apparent.

What may be termed social as opposed to psycho-analytically orientated therapeutic groupwork makes use of the insights derived from the sociological understanding of the relationship between the individual and his group for remedial and preventive purposes. The concept of the 'transitional community' is perhaps the most apt description of such social group work undertaken with children. The group to be described here, which was concerned with the socialization of juvenile delinquents, may be thought of as providing a bridge between family life and the wider community, and the leaders and workers engaged therein as parent-supplements or surrogates offering that degree of affection, interest or discipline that the children's own parents were unable or unwilling to provide. The therapeutic social group supplies many of the things that the more basic group, the family, has failed to give; a new group is called into being, as it were, to redress the deficiencies arising from the failure of the earlier, primary group situation.

Merely bringing people together releases certain natural therapeutic agents which assist the skilled leader to promote the positive values and attitudes which are deemed socially desirable and individually beneficial. This is usually more

effective than mere exhortation or any resort to threats and punishment. The leader strives to create a new face-to-face group, a part of, yet in some ways very distinct from, the rest of the community (but not to be thought of by its members as being in any degree abnormal) where the norms approximate, or can be got to approximate, to the goals and standards he is seeking to promote.

In order to get children to attend such a group and perhaps to drop some of their street-corner associates, the workers must offer a strong inducement to overcome the initial resistance. Naturally this is a most difficult phase and it is not always found possible to get delinquent children safely over this first step. In the experiment to be described certain pressures, such as parental persuasion or the guidance of probation officers, were made use of to ease reluctant boys into the therapy group. Once there it was left to the attractive nature of the programme and the warmth of attachments built up either with the adults or the other juveniles to recondition attitudes and to modify behaviour.

The Dolphin Club in Liverpool, a boys' club with a difference, was an attempt to provide a therapeutic social group for the purpose of preventing and treating delinquency in a central urban environment. While incorporating some of the traditional club methods in its structure, it had to go a good deal further than the orthodox youth organization and develop new techniques appropriate to its special objectives. The age of admission was fixed at the age of criminal responsibility and the club continued only up to the time when boys are usually admitted to the ordinary youth organizations, that is to say, round about the thirteenth birthday. By the time a boy had spent four or five years in the Dolphin it was hoped that his behaviour would so have improved and his personality become sufficiently socialized for immediate transfer to a club for adolescents operating in the same building and drawing its clientele from the same locality.

The Dolphin members were divisible into two main groups: the problem boys and the 'easies'. The problem boys were further divisible into those who were known to be delinquent and to have a delinquent history as defined by a court appearance and conviction, those who were known to be minor or undetected offenders, and finally those boys who were emotionally disturbed. These groups overlapped in some cases; in particular there were boys who were delinquents and who were at the same time disturbed. Most of the members were sponsored, by which is meant they were introduced to the club by parents, other relatives, by school teachers or by social workers. Twenty-eight per cent. of the total intake were introduced by probation officers and about half this number were brought in by school teachers. Only a small proportion, five boys in fact, were brought by their own parents. This is itself an eloquent commentary on the general parental attitude. The system of sponsorship was more than a mere recruiting device. It gave the club a further hold on the boy and an additional lever to bring pressure to bear either on the children or the parents. The scheme worked particularly well with probation officers and juvenile liaison officers of the city police, but much less effectively for those cases sponsored by parents or other members of the kin group.

The Dolphin needed to be much more authoritative in its internal leadership than in the adolescent group, partly because the younger boys had less solidarity, a less developed social conscience, than the older boys and partly, too, to provide

for those who lacked a reliable and consistent home discipline, perhaps as a result of the death, desertion or absence of the father, a measure of security necessary for their mental stability. The group was purposely kept small, with a maximum of forty and a median membership of thirty, so that leader and helper-member relationships could be as intimate and sustained as possible. Very often it was found that a boy maintained his association with the club on account of his happy personal relationship with the leader or with some other adult worker and that this, rather than the attraction of the various activities or the pull of friendship with other boys, proved to be decisive for overcoming the power of delinquent associations and in promoting satisfactory social adjustment.

The club was opened every week-night evening for a period of two to two and a half hours, while, during the summer, outdoor excursions, trips and camps were organized at weekends. Members were expected to attend every session and regularity of attendance was stressed when initially negotiating with parents and written into the rules of the club. In the event of absence the full-time leader in charge of the group would usually make an immediate visit to the home to discover what had happened to the absentee. This was done partly to prevent parents being misled into thinking their children were safe in the club when they were in fact roaming the markets or the city streets, and partly to bring home to parents the seriousness of the club's purpose and the extent to which the workers were prepared to go to assist them in safeguarding their children from criminal influences. Regular and efficient home visiting was in fact the kingpin in the whole of the Dolphin organization. No boy was accepted into membership without a request from the parent or parents followed by their promise to see that the child attended regularly and arrived back home again within reasonable time. The club, as it were, entered into a form of partnership with the home, undertaking to carry out certain agreed duties concerning the leisure time activities of youngsters, in return for which the parents undertook to collaborate by sending their children regularly, by encouraging them to take part in the whole programme and by notifying the workers of unavoidable absences and consulting them should any problems related to the children arise. From time to time a very limited amount of financial assistance might be given to families in particular need; for example, to equip a boy to attend a camp or to go on an expedition; there might also be small gifts of clothing or more usually loans. Parents were encouraged to seek out the club workers for advice, and many of them did indeed consult them on the problems their children were presenting. Conversely, the workers could at times take the ball into their opponents' half by giving advice unasked to parents who appeared to them to be failing in their duty or who did not seem to understand the importance of their attitudes in dealing with their children. One father, for instance, was castigated for not expressing and showing in action the affection he said he held for his boy. A mother was given advice about consistent disciplinary treatment and warned of the consequences of alternating between extreme severity and leniency. More than once a father had to be cautioned against using physical punishment or a mother against voicing threats of 'having a boy put away'. At such times the workers went to some pains to explain how such parental attitudes intensified the problems which they with the parents were jointly engaged upon solving. A good deal of parental education and advice on handling children was given; this was occasionally resented and produced a hostile reaction. Usually

the home visits went off smoothly because in fact, in spite of bewilderment, ignorance and fear, the majority of the mothers with whom the club workers came into contact were genuinely concerned about the welfare of their children and eager to do what they could to help. This co-operative relationship underlay what earlier in this article was termed acting as 'parent-supplements'.

I say 'mothers' advisedly for, although the club had contact with a number of fathers, it was the women of the household with whom for the most part the workers found themselves dealing. The lack of male support in many of the homes from which members derived was one of the noteworthy features of the experiment. Out of a total of sixty-six households there were thirty-one cases where the fathers were not able to carry out their complete responsibilities owing to working out of the city, desertion of the home, death, divorce or legal separation or to chronic invalidism. By contrast in only two cases were the women not making some effort to fulfil their responsibilities. The fact that nearly half the households lacked a firm, stable male leader is more than likely to have had a significant bearing on the behaviour of the children, particularly the boys, as they approached adolescence, and the evidence suggests a possible connection between delinquency proneness in the sort of subculture where the Dolphin Club operated and the absence or ineffectiveness of the father-figure round about the time boys tend to want to break away from maternal dependence. Hence the extreme importance of the club leader and adult helpers in assisting the boy in the capacity of father-figures and parent-supplements during this particular phase. The importance of the male rôle in child development has in recent years tended to be somewhat obscured by concentrating attention exclusively on the mother-child relationship, and is a topic that is likely to receive more notice as our researches into delinquency become more sensitive to the significance of differential parental rôles in family life.¹

It will be clear by now that the Dolphin experiment as a piece of 'action research' went rather further than merely providing group experience and recreational activity for a number of difficult boys. A good deal of time and attention was given to individual members and to contact with individual families and, as the project developed, the workers found themselves moving towards a service which would incorporate vital aspects of both groupwork and casework techniques within the same framework. No effort was made to undertake what may be termed 'deep casework', either with parents or children, and the idea of psycho-analytical methods or treatment was at no time envisaged. The sort of casework practised by the club workers was largely that of the old-fashioned and well-established kind universally undertaken by such people as probation officers who, although in attempting to understand an individual's behaviour might make use of psychiatric insights, are not qualified to make use of kindred techniques at a treatment or therapeutic level. The novelty of the Dolphin Club lay, therefore, on the one hand, in the efforts made to overcome most of the usual objections to the more traditional types of boys' clubs, such as danger of excess numbers and consequent contamination, tackling children at too late a date and, on the other hand, the strenuous endeavour made to establish creative relationships with fathers and mothers in the bond of a two-sided working partnership.

¹ See R. G. Andry, 'Faulty Paternal and Maternal-Child Relationships, Affection and Delinquency.' *This Journal*, VIII, 1, 34-48.

The membership of the club contained a high proportion of boys with behaviour problems; many of them were actually and most of them potentially delinquent. This group, fifty-five strong, formed the kernel of the experiment and it was upon success or failure with this type of member that the value of the club as a method of delinquency prevention and treatment depended. Forty-seven of these 'problem' boys were ascertained to be delinquents while the remainder were clearly psychologically disturbed. As might be expected with such a problem-saturated group, there were numerous failures—judging success by whether a boy was retained in membership for a reasonable period of time and showed indications of improved behaviour, *i.e.*, less delinquency or less strained personal relationships, and failure by the loss of boys, deterioration in behaviour and, in some cases, committal to approved schools or other residential institutions. Some of the severely delinquent boys were received too late into membership and their delinquent habits were too deeply ingrained for the club workers to achieve any remedial result. Other children received so little support from their parents that most of the workers' efforts were neutralized and made ineffective. On the whole, the club seemed to be least effectual with those boys who came into membership after already having been convicted of one or more offences. Only six out of the twenty-eight boys in this category were successfully retained.

Fourteen of the boys categorized as 'disturbed', *i.e.* exhibiting signs of emotional maladjustment, were delinquent while eight were non-delinquent. The groupwork-casework methods were reasonably successful with these emotionally disturbed non-delinquents and the permissive atmosphere of the club and the intimate and sustained affection of the club leaders and helpers seemed to provide a measure of reassurance that was obviously therapeutic. Ten 'disturbed' members, five delinquents and five non-delinquents, were retained in successful membership.

Antony, an anxious, neurotic child, who was one of the non-delinquents, responded well to individual attention and interest. Sometimes he behaved quite hysterically, losing all self-control and wildly screaming and throwing himself about the room, but face to face with a sympathetic and understanding adult he could maintain his even keel and behave in a thoroughly normal manner. An indication of his growing confidence was revealed when the club workers succeeded in getting him to go to a cinema and sit through the entire performance without fear or panic almost for the first time in his life. Antony needed constant attention, a measure of shielding within the group. In the hurly-burly of the orthodox youth organization he would very likely have become much worse.

Apart from the delinquents and the disturbed members the club possessed a group of benign boys who were comparatively easy to handle and who, though being to some extent delinquent risks in a criminogenic environment, were not in any desperate need of the club's ministrations. There were thirty-six non-problem members, of whom only nineteen were successes. The majority of this group who left for unsatisfactory reasons did so as a result of parental indifference and laziness.

TOTAL NUMBER OF PROBLEM OR DIFFICULT MEMBERS

Delinquents	46	
Non-delinquents	8	
	—	54
<i>Total number of apparently undisturbed, non-</i>		
<i>problem members</i>		34
		—
		88
		—

ANALYSIS OF FIRST THREE YEARS

<i>Problem Cases</i>	<i>Failures%</i>		<i>Successes%</i>		<i>All Members</i>	
Delinquents:						
Official	21	72	8	28	29	100
Unofficial	6		11		17	
Non-delinquents, disturbed or prob-	9	36	16	64	25	100
lem cases (non-delinquents) . . .						
	3		5		8	
All problem cases	30	56	24	44	54	100
Non-problem cases	19	56	15	44	34	100
All members	49	56	39	44	88	100

The significant fact about these statistics is that the failure rate for the problem and for the non-problem boys is the same, almost certainly a reflection of the fact that special care and attention was given to the difficult cases in terms of intensity of home contact and of sympathetic handling in the club itself. At the same time a significant difference can be noticed between the high failure rate for official or convicted delinquents and the high success rate for the unofficial delinquents and the non-delinquent members. In so far as it is possible adequately to assess the work of a club like The Dolphin in statistical terms at all, and allowing for the fact that failure as a club member does not necessarily imply further deterioration any more than sustained attendance at club precludes the possibility of a further lapse in the future, it seems reasonable to say that the club's efforts were more successful with boys who were early or minor delinquents, but that, on the other hand, even with the more severe delinquents, the chances of being able to help them seemed to depend to some extent upon the degree of parental support and co-operation obtained.

There is nothing particularly unexpected or remarkable about the results of this experiment. Nor is it always easy to say exactly why a particular boy benefited or appeared to benefit from the methods employed. Were there time and space one would wish at this stage to have a look at the records of particular individuals and try to trace out the subtle ways in which habits were changed and attitudes modified. Two case histories selected from the group of successful members will

have to suffice, but they may in part illustrate how the casework-groupwork technique worked out in actual daily practice.

Randy was one of the earliest members of The Dolphin and after four years he was successfully carried through without major disaster until he was old enough and stable enough to join the senior branch of the organization. He was an intelligent boy but severely handicapped by an unfortunate family background, the father having deserted while he was an infant and his mother having re-married. Randy had four half-brothers to compete for the affection of his mother and, as a result of this competition and the sense of his own difference and possible inferiority, he lived in constant dread of being finally abandoned. Emotionally insecure, he not unnaturally sought compensations outside the home and quickly rallied to his leadership a gang of younger children whom he was clever enough to be able to coerce into accompanying him on a series of delinquent activities, involving several breaking and entering offences and many larcenies. Randy found adjustment through the club a long and chequered business. Twice he was in court and twice the club leader was able to support him through this crisis and, with the help of his probation officer, strenuous efforts were made to save him from being sent to an approved school. Randy's gang were not members of the club, with the result that he was something of an isolate with no one to boss and no one to obey him. His behaviour was generally aggressive, egocentric and exhibitionist. He sought attention through ill-temper and various forms of provocation. The club workers made a special fuss of him whenever possible, giving him privileges and presents and refusing to be put off by any aspect of his behaviour. This treatment proved ultimately effective. He responded to the adults, made personal friends of some of them and found through constant and close association father and mother figures to whom he could relate with confidence and affection. As time went on he became more sociable, less of an isolate in the group and made overtures of friendship to other boys. Perhaps the best indication of his maturing could be seen in his increased ability to suffer mild frustration and to accept minor disciplinary action. The features of special interest in Randy's case were the intensive individual and compensatory attention he received, coupled with the gradual easing into a group situation, where he ultimately stimulated less hostility. Without the group's existence and the chance of other boys to whom he could relate, the individual attention and affection might have been wasted when the moment of parting—that is to say, of growing up and passing on into a senior group—came. Equally the impact of the group in a raw situation without personal support and adult interest might have made him even more of an outsider and delinquent than his experiences with his street-corner associates.

Charlie Hands, unlike Randy, was never socially isolated in the club. A tough urchin type of boy, hands and knees dirty, clothes torn, hair all over the place, he alternated between surliness and friendliness, between aggressive hostility when he hated the world and all in it, and sunny cheeriness when he was happy to co-operate with all and sundry. His home situation was largely responsible for these conflicting attitudes, which mirrored his inner emotional problems. His mother had no control over him and her only technique was either to ignore him altogether or to use bribery. His father neglected him and only interfered when personally irritated, when his only form of discipline was to use his belt and give the boy a severe thrashing. His attitude to his father consisted of blind hatred

and secret emulation. Charlie became a shoplifter in the manner and tradition of the neighbourhood, always in the company of other boys, and as a result he acquired a bad reputation in the district and many parents tried to prevent their children associating with him. When he got into trouble and appeared in court the club workers stood solidly beside him, not condoning his offence but making it plain that they did not repudiate him as a person in any way. Slowly Charlie gained confidence and became much less aggressive. The actual club programme assisted him in many ways. He was a solid, muscular type and he was able to excel in games and sports and display his prowess and reap the reward of prestige and captaincy. He had his lapses, times when, probably because of some trouble at home, he swore at the workers, attacked other boys and generally took it out of the world and society. Consistent handling and firm but sympathetic and, above all, forgiving discipline saw him safely through these regressive periods until at the end of his club career he became a pillar of law and order and actively associated himself with many of the goals and ethos of the club. He learned to control his strong feelings, to accept rules for the sake of ultimate pleasures and he found too, one suspects, in the constant relationship with the male workers, support to strengthen himself in his relationship with his father. In his case, as opposed to Randy's, the actual group experience, the give and take of organized life and the outlets made available for the safe release of basic urges provided the most important key to his eventual social adjustment and avoidance of crime.

The logic of The Dolphin experiment is that efforts to assist families to discharge their responsibilities more effectively are well worth while. The policy of family-supplementation paid rewarding dividends. If in certain instances delinquency is partly the result of ineffective family relationships it is well worth while spending time, money and effort in offering realistic sympathy and services which may help the family over a phase of particular danger to boys approaching puberty. Boys who live and grow up in neighbourhoods where there is a strong delinquent tradition are in particular danger at this time and need all the help that society can muster to see them over the hurdle of the dangerous years. Where home life is inadequate and the environment is criminogenic a special effort is demanded. New agencies of a character similar to The Dolphin Club have a contribution to make to any large-scale social programme designed to prevent juvenile delinquency. The methods used in running the club are not entirely novel nor are they likely to be successful with all problem children. It is but one possible method of tackling the job, one further tool in the therapeutic armoury. Delinquency has a variety of symptoms and arises from a multiplicity of complex inter-related causes. It is reasonable therefore for us to equip ourselves with a variety of palliatives and a wide choice of remedies, one of which is the type of specialized boys' club and transitional community between childhood and maturity, between the home and the wider community, epitomized in The Dolphin experiment.

JOHN BARRON MAYS.

URBANISATION : EPILEPSY : ARSON

The 1958 *Bulletin of the International Society of Criminology* devotes 100 pages to a *resumé* of three important theses on criminological subjects which were presented at a recent meeting in Paris. Although each is highly specialized—in sociology, psychiatry and psychology respectively—they show, as M. Pinatel observed, the value of interdisciplinary exchange and a co-ordinating framework of criminology.

In 'Crime and City', M. Szabo of the University of Louvain presents an extensive study of urbanization in France and Belgium. After an interesting historical review and discussion of the issues involved, the author arrives at an index of urbanization, taking account of the size and number of towns in a conurbation, density of population, etc., and compares them with the criminal rate in prisoners over 18. He concludes that urbanization is not very closely related to crime. Among other social factors, the population in industry or in transport (-68) and divorce (-63) are more closely related to urbanization (-57). Less significant correlations are with infant mortality (-47), the standard of living (-44), foreign populations (-26) and tuberculosis (-24). It is interesting to observe that the crime rate is *negatively* correlated with alcoholism (perhaps because this is greatest in the wine-growing countryside), mental illness and illiteracy. He also found a negligible correlation between suicide and urbanization. Communist votes are not correlated with crime rate.

The second contribution by Dr. Barande was a very detailed study of the *état dangereux* among epileptics. There is such a wealth of interesting clinical observations that summary is difficult. He contrasted a group of 94 epileptics in prison with 65 'interned' in a mental hospital. The relation of epilepsy to crime was direct in 38 cases (5 prisoners); indirect in 37 cases (17 prisoners) and not evident in 84 cases (72 prisoners). In the Fresnes prison allocation centre the proportion of epileptics is 6 per cent. higher than in psychiatric hospitals. There was little difference in age, onset of delinquency and recidivism in the two groups, or in family background, but the prisoners had committed more thefts and frauds, and the interneers more vagabondage, woundings and other crimes against the person and more often had a family history of alcoholism and a past history of cerebral trauma. E.E.G. results were pathognomonic in 50 per cent. of the hospital cases (because based upon repeated tests) and were suggestive in 50 per cent. of the prisoners. In nearly all cases epilepsy had preceded the delinquency and there seemed an inadequate rationale in whether they should be interned or imprisoned, many cases receiving each alternately. Suicidal attempts occurred in about a third of cases and was an early sign which had prognostic importance. The author concludes that epileptics would be a good group with which to start a more effective medico-penal collaboration than at present.

Thirdly, M. Pichaud described a detailed study of *incendiarists* admitted to the Centre National d'orientation de Fresnes—151 cases. The information routinely available is very extensive. Analysed by motive, the largest group were the 80 cases whose object was vengeance, usually against an employer, relative or neighbour; 18 were provoked by drunkenness; 9 to obtain insurance; 9 to camouflage

murder and 2 as a means of murder. There were six cases of apparent pyromania; these excluded irresponsible cases and referred to individuals who seemed to delight in fire-setting for its own sake; four of them had been professional firemen! Two other cases had no apparent motive for setting fire to their own property, and two had done this in order to be sent to prison. Grouped together, 24 per cent. were interested crimes (insurance, etc.); 56 per cent. disinterested (vengeance, accomplices, etc.) and 18 per cent. idiopathic (pyromania, complete intoxication). No less than 9 per cent. were aged 60 or over—it is one of the characteristic crimes of late middle and old age. It is a rural crime; 87 per cent. of the vengeance cases were country-dwellers, and most of all the cases were labourers, especially agricultural. The majority were living alone in poor circumstances; 60 per cent. were bachelors, widowed or separated, and the crime rather often followed a recent loss of this kind. The main features of their upbringing were large families and alcoholic fathers, and no less than half of the offenders themselves were alcoholics of some degree. In personality, 40 per cent. were violent, vindictive and brutish and 16 per cent. solitary and withdrawn. The psychiatric reports showed that a quarter were borderline defective or deteriorated individuals; usually alcoholism was added to this or to a very primitive mentality; only 10 per cent. were alcoholics without other abnormality and only 15 per cent. were mentally normal. A quarter of those motivated by vengeance were illiterate. Many of these characteristics are reminiscent of those who commit the more primitive sex offences, and the frequency of mental abnormality in fire-setters is hardly surpassed by any other offenders but these.

All three theses are major contributions which deserve close study.

T. C. N. GIBBENS.

REPORTS, SYMPOSIA AND NEW JOURNALS

Reports and Symposia

(1) *California. (a) First Interim Report of the Special Study Commission on Juvenile Justice.* 2nd February, 1959. Sacramento, California.

This Commission, set up by the Governor in 1957, has now published the first account of its activities. Its terms of reference are not substantially different from those of the Ingleby Committee in this country. The first Californian Juvenile Court Act was passed in 1903 and, although it has been repeatedly amended, it is widely felt that neither the law nor its administration have kept pace with the rapid growth of the population and the corresponding complexity of its problems. In 1957 over 200,000 minors were arrested on charges of delinquency or traffic violations; more than 100,000 of them were referred to the probation departments, of whom more than 35,000 were placed on probation. 'Such overloading', the Report remarks, 'not only dilutes the quality of services, but increases the likelihood that important decisions will be unduly influenced by considerations of administrative convenience and expediency to the detriment of the objectives of rehabilitation and social justice. . . . Well-defined, empirically derived standards and norms have not been developed and, consequently, instead of a uniform system

of justice, varied systems based upon divergent policies and value scales are in evidence' (pp. 8-9). The enquiry has so far been carried out by means of the traditional techniques, *i.e.*, questionnaires, personal interviews, library research, statistical work and field observation. It is being assisted by an Advisory Committee, on which among others the University of California, the judges and probation officers are strongly represented. In the 'Preliminary Findings' special attention is drawn to the observed diversity in the existing practice and standards. The major and most significant phase of its work, the Commission states, still lies ahead. Its term has recently been extended to 30th June, 1960.

(b) *Delinquency and Probation in California, 1957. State of California Department of Justice, Division of Criminal Law and Enforcement.*

The detailed statistical information provided in this Report is a useful supplement to the report of the Study Commission, but it covers the adult side as well. It is interesting to note, *e.g.*, that of the total arrests of juveniles about 85 per cent. were of boys and 15 per cent. of girls and that about one in four of those arrested was detained; that 40 per cent. were referred to the juvenile probation departments, but the figure was 85 per cent. in San Francisco County; that the latter had the lowest, Alameda and Los Angeles Counties the highest rates of arrests; that juvenile delinquency, 'contrary to public opinion, presents a more slowly growing problem than adult crime'; and that 'erroneous impressions are being held regarding the part that juveniles play in violent and serious crime'. Very detailed statistical information is given in Part 2 on juvenile probation and in Part 3 on adult probation. Whereas juvenile probation cases numbered 107,016, the figure for adults was 48,943. In 9,431 cases of adults the probation officers had advised against probation and in 15 per cent. of these cases their advice was ignored, whereas in the opposite direction this happened in only 5 per cent.

(2) *Massachusetts. Correctional Research.* A publication of the United Prison Association of Massachusetts. Bulletin No. 8, December 1958. Compiled and edited by Albert Morris.

Professor Morris reports that 'the National Science Foundation estimates that a hundred million dollars was spent on research in the social sciences in 1953'. He does not give the figure spent on correctional research. His Report contains mainly references to and extracts from studies published in the past twenty years, mostly American. The European field is not fully covered, but there is a reference to the report of the I.S.T.D. and the Portman Clinic on homosexual offences and to the Special Number of this *Journal* on the subject.

(3) *Belgium. Evolution d'une Notion. La Délinquance Juvenile. Colloque des 15 et 16 Mars 1958. Centre d'Etude de la Délinquance Juvenile (CEDJ) Bruxelles.*

This Belgian Centre for the Study of Juvenile Delinquency was founded in July 1957 with the co-operation of the four universities. It will undertake systematic research on the subject on questions referred to it by the Ministry of Justice, notably on the causes of the steadily growing decay of paternal authority. As pointed out by Professor Paul Cornil, Secretary General of the Ministry of Justice, the object of the Colloquium held in March 1958 was to make a survey of existing conceptions and theories in the field of juvenile delinquency, and to stress the need for team work. M. Albert Lilal, Minister of Justice, refers to the current efforts to reform the Belgian Juvenile Court Act of 1912, and this subject is taken

up in some greater detail by Professor J. Constant of the University of Liège. According to him, these reforms will be concerned with the introduction of an 'assistance éducative' as a preventive agency and of a concept similar to that of 'care and protection' in English law; with the replacement of the idea of responsibility by that of maladjustment (*enfance inadaptée*); with the extension of the scope of the Act of 1912 to the 16 to 18 age group, possibly even with special legislation for young adults up to 25. The French guest speaker, Professor Heuyer-Paris, who gives a useful survey of recent researches, also claims that 'la notion même de délinquance infantile et juvénile est dépassée' and stresses the need for special legislation for young adults. The Director of the Centre, Professor A. Racine, presents an historical sketch of the developments in the sociological study of the subject; and M. Lox, Juvenile Court judge of Brussels, shows how, in spite of the static character of the law, court practice has greatly changed since 1912. Mlle. S. Huynen deals with institutional methods and Mlle. de Bock with treatment within the family. The Proceedings are reported in French and Flemish.

Most of these subjects are also discussed at some length in the February 1959 issue of the Belgian *Revue de Droit Pénal et de Criminologie*, Vol. 39, No. 5, which contains an interesting Note on the Juvenile Court number of the *British Journal of Delinquency* by J. Delva (pp. 512-525). In his comments on the articles by Dr. Younghusband and Mrs. Cavenagh the author points out that some of the difficulties experienced by these English juvenile court magistrates and, he writes, 'inherents au fonctionnement actuel des "Juvenile Courts" Anglais', are—*mutatis mutandis*—also present in the work of their Belgian counterparts. He also draws attention to a draft worked out by a Belgian Commission in 1950, which proposed the establishment of a tribunal for young adults for each court of first instance to deal with all the 'affaires correctionnelles et pour les délits de la compétence des tribunaux de police' committed by young people up to 25.

Both the Proceedings of the Colloquium and the Note seem to deserve the attention of all those at present concerned with the reform of the law of juveniles and young adults in this country.

(4) *Australia, Victoria. Parole Board (Male) and Parole Board (Female)*. Reports for the year ended 30th June, 1958.

These Boards, created under the Penal Reform Act, 1956, are presided over by the Hon. Mr. Justice Barry of the Supreme Court of Victoria. It was one of their duties 'to determine within a reasonable time terms of imprisonment and/or minimum terms in respect of certain categories of . . . persons imprisoned in gaols or detained in reformatories when the Act commenced', which meant that previously imposed indeterminate sentences had to be converted to sentences for definite periods. The Boards had also to fix minimum terms in respect of prisoners who had still a year or more to serve. The following observations of the Chief Justice of the Supreme Court, reproduced in the Report, are of wider interest as showing some of the problems to be faced by a system of minimum and maximum sentences. 'It would be highly undesirable if persons sentenced to terms of imprisonment under the Penal Reform Act, 1956, were to gain the impression that they will be entitled to release from imprisonment at the expiration of the minimum term fixed as part of the sentence. This false impression might arise if a

judge were to express the sentence as being to a minimum term of X years and a maximum term of Y years. With respect, it is suggested that the phrase 'maximum term' (which it should be noted the Act does not use) should not be employed in judicial sentences, but that the sentence of the court should be expressed, 'You are sentenced to Y years imprisonment, and as part of this sentence the court fixes X years as the minimum term during which you shall not be eligible to be released on parole.'

The parole system, the Report states, has not been in operation for a sufficiently long period to enable even a conservative assessment to be made of its actual achievements and potential usefulness.

- (5) *South Africa. Penal Reform News. Newsletter No. 45, October 1958, and No. 46, January 1959, issued by the Penal Reform League of South Africa, Pretoria.*

These numbers continue the discussion on the Criminal Law Amendment Bill and the Prison Bill of 1957, which were dealt with in several previous issues. One of the objects of the first of these Bills is to reduce the number of very short prison sentences. As previously stated, some 140,000 persons are gaoled in South Africa every year, mostly because of their inability to pay fines. 'With few exceptions, no non-European convicted of a minor offence is given the opportunity to collect the amount of his fine himself by going back home'. The original proposal to prohibit all prison sentences of less than thirty days has now been replaced by a section which tries to reduce 'the present wholesale arrest of petty technical and statutory offenders', thereby enabling such offenders to pay their fines.

There is, however, it is stated, still a possibility that the original proposal may be accepted by the legislative.

- (6) *Scandinavia. Yearbook of the Northern Association of Criminalists, 1956 and 1957. Introduction (in English and French). Stockholm, 1958 and 1959.*

The Introduction to the 'Yearbook' of 1956 contains discussions on road safety, the teaching of criminology, problems of institutional treatment, and on cruelty to animals. The Introduction to the 1957 'Yearbook' opens with a tribute to ex-President Karl Schlyter on the occasion of his eightieth birthday. The outstanding work of this great Swedish penal reformer is summarized by Ragnar Bergendal. Among other subjects discussed in this volume are: modern trends in criminal policy; the draft of a Swedish Protective Code; the Norwegian system of penal sanctions; tax evasion as a problem of criminal policy; the question of whether 'the sanction should be determined separately from the culpability and, if so, whether it should be referred to special bodies', group therapy and other recent methods of treatment of delinquents.

- (7) *India. (a) The Journal of Correctional Work, Fifth Issue, 1958. Published by The Government Jail Training School, Lucknow, Uttar Pradesh.*

This issue contains, among other contributions, articles on Group Counselling in California by Dr. Norman Fenton, on After-care in Uttar Pradesh by the editor, Mr. R. Rastogi, a statistical study of 'Age in Relation to Crime' by Harjit Singh Sandhu and a paper on 'Ecological Areas and Social Disorganization' by S. S. Srivastava, dealing with the city of Kanpur. Part III is a survey of 'Ameliorative and Reformatory Measures' introduced in the jails of various states in India.

(b) *The Bulletin of the Tata Institute of Social Sciences* in Bombay, which has a Department of Criminology, Juvenile Delinquency and Correctional Administration, describes the various training programmes of the Institute: a two years' curriculum leading to a post-graduate Diploma, a six months' curriculum leading to a Certificate in Correctional Administration, and short courses and seminars on specific subjects. The Department of Social Research offers special courses on the methodology of social research.

(8) *Great Britain.* (a) *The Magistrates' Association. Thirty-Eighth Annual Report, 1957-58.*

This Report contains a 'Summary of Recommendations made in the Memorandum of Evidence submitted to the Departmental Committee on Children and Young Persons' (the Ingleby Committee). Among these recommendations are the raising of the age of criminal responsibility; the statutory removal of the common law presumption of *doli incapax*; the extension of juvenile court competence to include those of 17 years of age. The discretion of the police to caution young offenders should 'not become organized so as to enter the territory of the probation officer or other trained social worker' and a formal police caution should always be accompanied by a reference to a suitable welfare body. While the tendency of this latter recommendation seems to be justified, its practical usefulness—if adopted—would obviously depend on the details which are not published. Regarding enquiries before final adjudication it is recommended that 'enquiries by probation officers should be made during a remand and after the finding of guilt, but if this is not practicable, an enquiry before the juvenile is brought before the court is better than none at all'. In other words, the Association is willing to sanction enquiries before the finding of guilt. For attendance centres a lowering of the minimum age to 10 and a raising of the maximum age to those breaking a probation order after reaching the age of 17, as well as an extension of the maximum time to 18 hours, are recommended. For detention centres the coupling of all such sentences with supervision is urged.

There is also a brief memorandum on after-care.

(b) *County Borough of Croydon. 'Report by the Clerk to the Justices and the Principal Probation Officer for the Year 1958.'*

The year 1958 'appears to have passed all records for the number of proceedings', the total (civil and criminal) being 9,168 against 6,663 in 1957. 'Croydon's experience is but a reflection of a national evil'. There are a few observations on some special aspects of crime: first, on the growth of shoplifting, done mostly by middle-aged women of hitherto impeccable character'. It is stated, however, that few of these women are convicted a second time, which may simply mean that they have become more skilled. Secondly, on the 'alarming number of charges of taking and driving away motor vehicles. . . . No insurance covers the use of the vehicle and there is no compensation for the owner who is only covered for third-party risks, or for anyone whose body or property is injured'. Thirdly, 'motorists are less careful about insurance than they were in the days when a conviction was automatically followed by a disqualification'—now 'in a few cases is a disqualification imposed and fines are rarely substantial'.

(c) This last subject of inadequate penalties for motorists has also been taken up by Mr. J. P. Eddy, Q.C., on several occasions, especially in an article in *The*

Magistrate of April 1959, and there is a reference in the 'Annual Report of the Magistrates' Association' to figures given in the House of Lords on 19th February, 1958, for the period October 1954 to March 1957. These figures seem to show that the increased maximum fines provided by the Road Traffic Act, 1956, have so far had, in the words of Mr. Eddy, an 'almost negligible' effect on the practice of the Magistrates' Courts. To quote from his statistics, the average fine for reckless or dangerous driving was £11 9s. 7d. for the six months' period beginning 1st October, 1955, *i.e.*, before the passing of the Act, and £14 3s. 10d. in 1957. For careless driving it was £4 4s. 4d. in 1955 and £5 11s. 2d. in 1957. Apart from driving under the influence of drink or drug, disqualification was but rarely imposed. In the words of *The Magistrate* of March 1959, the facts presented by Mr. Eddy 'should be sufficient to induce magistrates to examine their own practice and consider whether they have given sufficient effect to the intention of the Act of 1956 with regard to monetary penalties'.

(d) *City of Liverpool*. 'Report of the Probation Committee of the Justices for the Year 1958.'

The following comments of the Principal Probation Officer, Mr. John Woolfenden, may be quoted: 'In the sphere of youthful crime there is a great danger in the endeavour to extend the period of adolescence, thereby still further reducing the sense of responsibility that decent youth holds, appreciates and exercises. Such a movement completely overlooks the tremendous development in physique and intelligence of the past two or three decades. To stand in the waiting-room of the Juvenile Court and the hall of the Magistrates' Court and to see the age group of 15-21 and compare them with their equivalent of 20 years ago is indeed proof, and it does cause some apprehension to the observer. They are similar in only one aspect—their lack of responsibility. Why should a 17-year-old youth of good physique, good report from school, good home and employment, and a club, stab another? . . . a report from a doctor said, ". . . there is no psychiatric reason why this youth should not accept responsibility for his actions". Indeed, why should he stab? And most certainly he should be held responsible for his actions.' Even so, however, with all due respect to the views of a most distinguished and experienced probation officer, does Mr. Woolfenden not perhaps tend to over-simplify these problems which are at present baffling many people in many lands? Is he perhaps under the misapprehension that those who plead, not for an extension of juvenile court jurisdiction to adolescents, but for some sort of special adult court for them simply wish to procure more lenient treatment for this age group? What they are after is more effective treatment, not greater leniency. And can one judge the mental development of such offenders merely by looking at them? It would be interesting to have the views of other experienced probation officers on these matters.

New Journals.

(1) *The Canadian Journal of Corrections.*

This quarterly, published by the Canadian Corrections Association, 55 Parkdale Avenue, Ottawa 3 (subscription rate \$4 per annum) made its first appearance in October 1958. The first number contains short articles on Alcoholism, the Forensic Clinic of the Toronto Psychiatric Hospital, on Psychiatric Consultation:

Fact and Fallacy, on After-Care, and others, and also a few book reviews. Most of the articles are written in English, a few in French.

- (2) *Revista del Instituto de Investigaciones Y Docencia Criminologicas*. Provincia de Buenos Aires, Ministerio de Gobierno. La Plata 1958.

Vol. II, No. 2, contains, among others, articles on 'Las escuelas penales, La escuela pragmática' and on 'Estados psicopáticos postencefalíticos e inimputabilidad' and a very detailed survey, 'Estadística Criminal de la provincia de Buenos Aires (Quinquenio 1950-1954).'

- (3) *Revista de Criminologia*. Republica Oriental del Uruguay. Direccion General de Institutos Penales. Vol. II, No. 10, October-December 1957.

Nearly one-third of this issue is taken up by an article on 'Guerra y Criminalidad' by Manuel Lopez-Rey y Arrojo. There is also a substantial note, 'Observaciones al Código Penal' and a 'Revista de Revistas', which surveys mainly South American criminological journals.

H. M.

REVIEWS

PROCEEDINGS OF THE CANADIAN CONGRESS OF CORRECTIONS, 1957. Montreal. 26th to 29th May, 1957. Pp. 297 (English) and 318 (French). \$2.00 (obtainable from Canadian Corrections Association, 55 Parkdale Avenue, Ottawa 3, Ont., Canada).

The subjects covered by this the first Canadian Congress of Corrections range from juvenile delinquency and the institutional treatment of the adult offender to a consideration of the ways in which all who are concerned with the administration of criminal justice can fruitfully co-operate.

Out of the total of twenty-nine lectures, thirteen are devoted to some aspect of imprisonment, and there is a particularly interesting group of three which deal with the psychological effects of deprivation of liberty on the offender. The first of these, by Dr. Bruno M. Cormier, discusses the regression to an early instinctual stage which occurs through imprisonment, and which may have much more serious consequences for the recidivist than for the first offender with a relatively good personality. Dr. Alastair MacLeod traces the relationship between imprisonment and the tendency to identify with delinquent groups or personalities. Miss Jeannine Guindon outlines a pilot study of the effects of deprivation on fifteen youthful offenders. This was conducted at Boscoville, an institution for delinquent boys from 15 to 18 which recognizes the importance of the inner picture which the offender has of himself and seeks to bring about a change in the concept of self.

There are many other valuable papers; for example, on the use of specialist staff (by J. V. Fornataro), on staff training (by R. E. March), and an excellent description of the forward-looking regime at the New Jersey Reformatory at Bordentown (by William G. Negal). Finally, there are two papers on teamwork, one by Jean Chazal which deals with teamwork in the rehabilitation of juvenile delinquents, and the other by Hermann Mannheim. This latter is a broad and comprehensive survey of teamwork in the treatment of offenders: in probation, in the relationship between the court and diagnostic and treatment agencies, and finally in institutional treatment itself.

H. J. KLARE.

VOM URSPRUNG DER HENKERSMAHLZEIT. By Hans von Hentig. (Tubingen: J. C. B. Mohr. 1958. Pp. 276. DM. 24.)

The *Henkersmahlzeit* is not, as a literal translation would suggest, the hangman's meal, but the good meal, 'the hearty breakfast' which the prisoner under sentence of death receives before his execution, often with exquisite dishes of his own choice. It is an inveterate custom, almost a rite, maintained persistently throughout the ages and among peoples with widely different forms of civilization. There is scarcely any reference to this in our textbooks, and even legal historians content themselves with brief comments only. Von Hentig, with his immense knowledge of factual details of the history of crimes and punishments, presents in this book formidable material, ranging from antiquity to modern American prisons, and from the records of anthropologists to books of fairy tales. Language, too, the infallible pointer to psychological understanding, is analysed with the purpose of revealing the ultimate meaning of human customs and traditions.

The result is a rich texture with many macabre pictures of human folly and cruelty. The author deals with his immediate subject within a wider context and compares the favour of a last good meal granted to the prisoner with similar customs in connection with ceremonies of religious sacrifice of men or animals, with funeral rites. In short, he shows a widespread and almost universal association between a good meal or other worldly favours and death. All this is not discussed for its own sake as a contribution to the folklore of criminal law, but in order to support the author's thesis that the ultimate root of this tradition is the fear that the man killed by the hangman would come back to earth as a ghost and take revenge for his untimely death. In order to avert this fear, everything is being done to placate the 'poor sinner' before his death, to make him confess his deeds and consent to his death, or to let him die by his own hands, virtually or symbolically. On the strength of the comprehensive evidence this explanation is convincing. The uneasy feeling of those who had to put to death a defenceless prisoner by force would be alleviated if he appeared contented and reconciled. Where the dead were believed to reappear and to make things unpleasant for the survivors, that uneasiness may have manifested itself in genuine fear. In surveying such vast material, the author sometimes claims relevance for his principal aims with regard to facts which have no true connection with his basic proposition. When English law makes the offender's consent a legal condition of a probation order, this has nothing to do with the idea that the unpleasant consequences of a breach of probation should be justified as self-imposed punishment (p. 126). It is true that taking a drink or meal together has always been a symbol of forging and maintaining a personal link between the participants. It is, however, purely speculative to regard the last meal of the prisoner as a separate part of what would indeed be a hangman's meal in which both the prisoner and his executioner take part (p. 259).

Of the innumerable historical details, English readers will be interested in a letter to *The Times* of 13th November, 1849, in which Charles Dickens describes the scandalous scene at the public execution of George Frederick and Maria Manning. The letter is quoted from *Der Neue Pitaval*, 1st ed., vol. 15, p. 380 (p. 268).

The considerations which this book raises are by no means of antiquarian and historical interest only. The fear of the restless soul of the dead man, the persistent efforts to placate the prisoner, or the victim of a sacrifice, when he has to face his

death, the despised and outlawed position of the hangman, the insistence of medieval Italian and canon law on a confession before sentence, but also the elaborate division, and thereby neutralization, of responsibility between law-giver, jury, sentencing judge, prerogative of mercy and the duty-bound executioner all point in the same direction. It is beyond human competence to put a fellow-man to death as an ordinary punishment of secular criminal law.

M. GRÜNHUT.

THE DOCTRINE OF ENTRAPMENT IN THEFT: A STUDY IN COMPARATIVE LAW. By J. J. Cremona, Ph.D., D.Litt., LL.D. (Malta. 1959. Pp. 16.)

This short pamphlet by the present Attorney-General in the Maltese Government presents a lucid discussion of the significance of the so-called 'entrapment' problem in Roman, English, Italian and Maltese law. Is the property owner guilty of a criminal offence if, in order to trap the intending thief, he apparently acquiesces in or even actively facilitates the taking away of the goods? This is an interesting question not only from the legal but also from the criminological and moral points of view, and one which has been widely discussed and led to many controversies (see, e.g. Glanville Williams, 'Criminal Law. The General Part', Chapter 19). The author concludes, probably rightly, that 'where the *agent provocateur* plays the part of a criminal in order to detect or impede the crime *in itinere*, he is not criminally liable owing to lack of *mens rea*; but if . . . he instigates the commission of a crime which but for such instigation would not have taken place, he participates in the crime and is criminally liable.' Here, as usual, it is largely a question of degree, and the interests of society have to be carefully balanced against those of the individual.

H. M.

THE SHOOK-UP GENERATION. By Harrison E. Salisbury. (London: Michael Joseph. 1959. Pp. 223. 18s.)

Before seeing 'West Side Story' I had never heard of a rumble. I saw one in the play and now have a more frightening description in this book.

The 'Shook-up Generation' is the one that lives in New York today and, the author tells us, in other American cities, and indeed in Amsterdam or Russia as well. He describes in useful detail the social, family and educational backgrounds of the teenagers forming the gangs, the coercive and forced recruitment to them, age groupings and systems within the gangs, the process of emergence of the leaders, and the graduation from a younger to an older group within the gang.

A line in 'West Side Story' is 'He's got a lot of hate to get rid of in a hurry', and the book shows the hideous frequency of the evil results of this discharge of hate, and the possessive loyalty of one to another gang member when they experience or, more often, imagine they will feel the attack of an alien gang. The terror a gang member has of venturing outside his home territory, small enough indeed, to within the territory of a rival organization is so marked that a journey on a bus or a visit to a cinema is a rarity outside the gang area.

So clearly is the whole nightmare behaviour that of a group that has no hope. 'It's the way the world is. Always going to be gangs. Always going to be fighting,' said one youth, and such advances as the club leaders, underpaid and understaffed, may make are often stultified by some inevitable result of illiterate or psychopathic impetuosity.

The reader will probably see in this the material for a brilliant documentary film, with all the unscientific imperfections that arise from a popular presentation. As, however, the whole problem is one of political and human failure, it is perhaps properly presented in quick journalistic style by this well-informed and widely-experienced writer. The index is a useful addition and worth reading through on its own. It starts with 'alcoholic parents', through 'machine-gun rumbles' and 'obscenity' to the last item, 'zip-guns'. The glossary of street gang argot is useful, too, for any social worker contemplating a first journey to the slums of New York.

From the short, episodic case histories given, the vignettes of some families at home, the educational backwardness of most young gangsters, one can form little but the well-known conclusion of the international similarity of descriptions of delinquent children. Other factors emerge, however, of greater novelty. The author stresses his discovery that poor and sub-standard, even if new-built, housing equates with gang formation, and that the previous houses, now demolished, of the same families rested within a society that had better neighbourliness and deeper roots within their district, and which produced fewer criminals. The terrible problem of, for example, the recent Puerto Rico immigrants stimulated the formation of bands limited to members of the same nationality, adding these to the existing Indian, Irish and Italian gangs.

The last chapter gives the author's conclusions. The tragic and pathetic loss from murder and injury, the social loss from unemployable, fear-ridden youngsters, and the financial loss from institutional punishment emphasize the need for those authorities involved to add their legislative weight and support to the inspired work of the many voluntary agencies who seek now to deal with the problem.

How fortunate we magistrates, social workers, psychiatrists and criminologists are in this country in that we have no equivalent problem as yet.

OTTO L. SHAW.

THE CALL GIRL. By Harold Greenwald. (London: Elek Books. 1958. Pp. 245. 21s.)

The call girl excites more than her fair share of interest. Mystery appears to surround her life and mode of operation. In this book, which is both a social and psychoanalytic study, Harold Greenwald proffers answers to many of the questions which spin around in the inquisitive mind.

Starting at the top of her profession, the call girl does not frequent the streets. She has a telephone number always available, and builds up a clientele through personal recommendation. In New York City, where this study was conducted, the girls lived in the most expensive residential areas, dressed exquisitely, and demanded high charges for services rendered.

One finds a sordid similarity in the girls' early history. They had inadequate homes, where the parents failed to get along together. Promiscuity in puberty in a small town resulted in migration to a large city, and into a society which cultivates the night life. Sometime, someone will say, 'What's the use of giving it away, baby, when you could make so much money out of it?' In a society which places emphasis on material success, and the need to display it, the girls are soon on the fringe of a grey world, anxious and lonely. They work through their problems with the aid of drugs and alcohol.

A description of the call girl's life is of particular interest to us at the present

time. If imprisonment becomes the ultimate penalty for solicitation, it is likely that more prostitutes will attempt off-the-street contacts. The attendant semi-criminal activities are herein described.

Mr. Greenwald explains that contrary to popular belief, pimps, living on the earnings of prostitutes, serve a useful function. The paid companion provides an emotional relationship with the girl, and solves her problem of loneliness. He is someone to talk to when the day's work is done. Pimps are the subject of openly expressed disgust on the part of the community. Mr. Greenwald states: 'I know of no society that claims to have abolished prostitution by punishing pimps'. This book is full of common sense.

JEAN GRAHAM HALL.

AN OUTLINE OF HUMAN RELATIONSHIPS. By Eustace Chesser. (London: Heinemann. 1959. Pp. 446. 25s.)

Dr. Chesser, writing in the main from a Freudian standpoint, has given an outline of human relations from infancy to senescence, illustrating each phase with instances drawn from both normal and abnormal sources, in the latter case emphasizing the importance of early stresses and misguided upbringing. Those who are familiar with his previous writings on marital difficulties, homosexuality, prostitution and a number of other sexual anomalies will find that his views on these disorders gain from being strung on a central developmental theme.

Dr. Chesser is one of our more effective exponents of clinical psychology and this present approach to an encyclopaedic subject maintains his high standards of persuasive, popular and at the same time accurate exposition. It will provide social workers in delinquency with much information of practical utility in the handling of their cases.

E. G.

THE PEOPLE OF SHIP STREET. By Madeline Kerr. (London: Routledge and Kegan Paul Ltd. 1958. Pp. 215. 23s.)

This book is a useful addition to the literature on the urban family in contemporary Britain, and will no doubt take its place alongside Spinley's 'Deprived and the Privileged' and Young's 'Family and Kinship in East London'. It concentrates, however, on what might be termed the 'social problem group'—people living in a Liverpool slum. Although some sociologists have pointed to the need for the study of 'normal' urban working-class families, this group is important in that it taxes the resources of the Welfare State in no uncertain manner, and in a society in which poverty as it was known a generation or two ago has largely disappeared it lingers on, perhaps with rather different significance.

Dr. Kerr's study is of a street in Liverpool inhabited by third generation Irish immigrants who display many abnormal social characteristics. They are largely isolated from their neighbours and seem almost wholly free from the status anxieties attending on social change which have affected so large a section of the population as a whole. Their interests tend to be family interests, and the rôle of 'Mum' is a dominant one.

Over a period of five years, fieldwork was done with sixty-one families, and the worker was able in that time to get to know a great deal about the culture of Ship Street which is described in fascinating detail. A group of children were given projective tests (Rorschach and Lowenfeld). Throughout, the author

attempts to show that these people are less mature, less integrated personalities than their neighbours in other working-class areas, and that this is a function of a distinct socialisation process.

Ship Street people, she argues, are survivals from the past, and conditions are favourable for the retention of the *status quo*. Rôles are rigid and simple and the rate of change is slow. They remain in the area because they are unable to mature—as a consequence of such rigidity—and move into the bigger world outside. Ego development is impaired with the resulting attendance of a ‘wealth of behaviour difficulties’. Work which the author had already done in Jamaica suggested to her that wherever people are deprived of adequate rôle-playing opportunities they demonstrate such immature characteristics. Cut off by this and poor educational attainment, they tend to be lost in a society which becomes increasingly technological. In a simple society they could probably cope, but in a modern industrial society they are out of their depth.

This is an interesting hypothesis, but it would be unwise to argue too far from this particular case. Further comparative studies, especially of immigrants from comparatively ‘primitive’ backgrounds, would be useful in testing it.

TERENCE MORRIS.

LE CLOCHARD. By A. Vexliard. (Bruges: Desclée de Brouwer. 1957. Pp. 324, Fr. 200.)

Society is never able completely to assimilate all its members, but all democratic communities allow for the existence of the eccentric and those who periodically break laws and receive cursory punishments or warnings. But there are certain individuals who refuse to participate in ordinary society, even in the totalitarian states. They are the vagabonds, the hoboës, the tramps (who have been romanticized), the *clochards* of French society: working from department to department, from city to countryside. For fleeting periods in the Army or in a job, they are again on the road, in the doss-house, and periodically in the jail. They are neither good nor evil. They belong primarily to sociology and because of their vague non-participant lives they interest psychologists and sometimes, when defective or when disintegrating with malnutrition, they interest the psychiatrist who is then confronted with the schizophrenic and the near suicidal and despairing.

Dr. Vexliard's research, suggested by Professor Lagache, covered the dossiers of sixty individuals selected from many hundreds gathered from all over France between 1948 and 1953. The enquiry was undertaken not to illustrate socio-psychological trends or principles, but to study the vicissitudes of individuals considered in the light of their psychology and their socio-economic histories. By this approach one found not only what one was looking for but quite other things besides.

Of course, society, as Vexliard points out in his historical section dealing with the juristic aspect, has legislated with vigour and duress against the vagabond since the Middle Ages, when the distinction was clearly drawn against the mendicant who frequently had ecclesiastic permits and even sanctions. Today, society outside the totalitarian states gives licence to the vagabond, so long as he does not offend against the law, particularly with regard to the infringement of property rights. The problem, however, of the *clochard* is that he is in and out of the law's domain. Primarily opting out of society, he returns to it for sustenance and sometimes for

brute gratification of sex and aggression. Nor is he always a psychopath as far as that much abused term may include him. He is a social misfit by choice. It is because of this fluctuating character in behaviour that the vagabond is the subject of diverse psychiatric and sociological explanations. Degenerate is the commonest appellation—and how unsatisfactory it is except in the latter stages when, having rejected society, society finally rejects, condemns and gives the last blow to an already brittle mental structure.

There are many case-histories that Vexliard gives in great detail. Some arise, as he demonstrates, from political motivations. This will seem strange to the British observer who, living in a relatively benign régime, cannot realize in the absence of a careful study of European history the forces that have made outcasts of persons who might with other psychological and familial backgrounds have become useful and creative persons in a less rejecting society.

From these case studies, which date from 1948 to 1953, the effect of the war on French life is clearly manifest and from this point of view this work is of considerable social value. It illustrates the gravitational pull of a disintegrated society upon those who through defects in upbringing have not the resilience to face the demands of society. The relationship of vagabondage to delinquency has to the author a threefold connection: (i) vagabondage on the road to delinquency; (ii) delinquency disguised as vagabondage; and (iii) ex-criminals who adopt the vagabond life. In this area the question of definition is of primary import, for if we speak in psychopathological terms of potentials then the vagabond-delinquent axis is a continuum. Nevertheless, divorced from the sociological factors which Vexliard shows are, at least on the Continent, irreducible, the psychology of the vagabond delinquent cannot be defined. The vector of psychology-sociology is a most vital concept in this valuable study.

E. M.

PSYCHOHYGIENISCHE VORLESUNGEN. By Professor Dr. Heinrich Meng. (Stuttgart/Basel: Benno Schwabe & Co. 1958. Pp. 448. Geb. Fr. 28.)

Books on mental hygiene are for the most part exercises in good intentions. They are full of precepts on how to achieve or retain mental health in accordance with doctrines or beliefs which vary with personal predilections from the teachings of Confucius, Buddha or Christ; the theories of epicurean, stoic or psychoanalytic philosophers; to the magic superstitions of primitive medicine men or modern charlatans. Prof. Meng's book is no exception. It contains forty-one lectures by twenty-two authors, who represent Christian, Freudian, Jungian, Adlerian and personal points of view. There is only a sparse supply of factual reporting on the results of investigations or on social, legal and administrative procedures in this field.

Prof. Meng defines mental hygiene in his first lecture as the aim to 'foresee what aberrations can occur in an individual or a community and to oppose their development with the help of exact scientific knowledge'. This definition is printed in small type and has obviously been overlooked by most of the other contributors to the book.

There is a lecture on attempted suicide (by Prof. Stengel), two lectures on alcoholism, and one lecture each on drug addiction and smoking. Prof. Fraser Brockington describes mental hygiene in the British health service.

Prof. Meng contributes a lecture on 'narcissistic impulsive personalities', in which he deals with confidence tricksters, pathological liars and 'unstable psychopaths'. In his experience such deviant personality development occurs in good-looking narcissistic children whose parents are over-indulgent. A high percentage of such narcissistic impulsive personalities is supposed to have existed among English criminals who were deported to Australia, where misery and agony transformed them into the founders of a worthy civilization. The treatment recommended for narcissistic impulsive personalities is a modified form of depth analysis, group treatment, therapeutic communities or a condition of misery and agony which is 'the correct method when everything else has failed'.

Gautschi, a former Swiss prison governor, deals with the problem of education in prison. He emphasizes that, even though educational methods often appear unsuccessful, this should not lead to a surrender of further efforts. The essence of prison education lies in work that is suited to the prisoner and engages his interest. Attempts have also been made to teach a constructive use of leisure time mainly by means of physical exercise and sport.

On the whole, this is the kind of book that should be discouraged. It is repetitive, vague and dogmatic. Authoritative pronouncements and theoretical speculations are given greater weight than the results of factual investigations. What emerges from between the lines of the book is that the importance of mental hygiene lies in the encouragement of sincere attempts to offer personal help, sympathy and advice to those in need and in the provision of suitable agencies for that purpose. The greatest drawback of mental hygiene today is that the enthusiasm and theoretical bias of its protagonists obscures the dearth of factual knowledge in this field and the necessity to replace unreliable subjective opinions by more reliable objective studies.

F. KRÄUPL TAYLOR.

BRIDGING THE GAP. From Fear to Understanding of Mental Disease. Edited by R. F. Tredgold. (London: Christopher Johnson. 1958. Pp. 270. 30s.)

The Royal Commission on Mental Health and now the forthcoming Act of Parliament makes this volume seasonable. Its opening has a dramatic quality, illustrating by examples the fears of false accusation of insanity and the suspension of freedom which this entails in all cases of certification. Until the public understand the power of the law, its rigours and its benevolence, the attitude to mental illness is likely to be a mixture of fear and suspicion. The other essays are concerned with the existing services, the procedures of diagnosis, the domiciliary visit and the ways of hospital admission. The rôle of the psychiatrist from diagnosis to rehabilitation to civil life is considered, the tasks and training of mental nurses are outlined. One of the most important functions of any mental health service is to follow up the cured case and to restore to former skills or to train for new ones. The social attitude to mental defect is considered in a modern light and the vexed problem of the psychopath is dealt with in a very good chapter. Finally the new hopeful attitude towards geriatric mental changes is discussed.

Although these essays nowhere consider the psychopathic process contributing to mental disorder in its individual and social aspects, this is a useful volume which should be widely read by the laity who are interested in the changing attitudes toward mental illness.

E. M.

EMOTIONAL PROBLEMS OF ADOLESCENTS. By J. Roswell Gallagher, M.D. and Herbert I. Harris. New York: Oxford University Press, Inc. 1958. Pp. 174. 28s.)

Dr. Gallagher, a pediatrician, is chief and Dr. Harris associate psychiatrist, of the Adolescent Unit at the Children's Hospital, Boston. Both authors have had wide experience in dealing with the medical and psychiatric problems of adolescents and they have written an up to date and helpful short guide for 'parents, teachers, ministers and others, to understand normal adolescents and their everyday problems'. Their approach to young people is emphasized by their quotation of the Irish saying, 'Praise youth and it will prosper' and they rightly point out that the correct handling of adolescent difficulties can make amends for mismanagement in the early years. Their always sound advice is on the whole applicable to children brought up in this country, although written for American readers.

It is difficult in a book of this sort to reach a happy mean between an exposition too technical and over simplification. For example, a short account of psychological testing requires some prior knowledge by the reader, while the chapter on sex omits some common difficulties. The final chapter, 'Stealing and Other Anti-social Behaviour', will seem to the knowledgeable reader too scrappy and naïve. On the other hand there is a clear explanation of how an adult concerned for some adolescent in difficulty can best help, while care is taken to point out when apparent emotional upset requires more expert attention.

On the whole, this book can be recommended for those for whom it was written.

W. WARREN.

FAMILY RELATIONS AND DELINQUENT BEHAVIOUR. By Ivan Nye. (New York: John Wiley and Sons, Inc. London: Chapman and Hall. 1958. Pp. 168. 40s.)

Statisticians in the sociological field are inevitably attracted by the challenge of delinquency. Its factors are measurable in terms of social facts which can be ingenuously quantified. But these quantifications vary in entirety. For example, can a point scale of degrees of discipline be compared with such quantities as degrees of a broken home or degrees of restriction in the socio-economic classes? Nevertheless, to give signposts of the direction in which the most significant factors lie, and analysed with no more recondite an analytic instrument than Chi-squared, it may prove useful enough. This monograph illustrates the value of the shortcomings of such a technique even in the said setting in which it was carried out, namely the United States.

The author realizes and examines *ab initio* the dangers of using institutional samples. In the context of an institution a study of family relationships would, the author feels, reveal spacious differences between the families of delinquents and non-delinquents. Therefore small city populations were chosen for study. The ground was carefully prepared in order to arouse local enthusiasm for the enquiry and meetings were held with those who would be helping to collect the persons and the data. The task that followed was to evolve an adequate measuring instrument. The adolescents were themselves the subject of questioning.

The Broken Home concept was the central concept of the enquiry and a scale of 'least' to 'most' delinquent was constructed. The concepts measured were maternal employment; spatial mobility; acceptance-rejection feelings; sense of freedom and unfreedom; parental disposition and handling of money in the

family. It will be seen how difficult these are to quantify. Nevertheless, using very simple statistical measures of significance, certain indications appeared. These findings were to confirm the theory of the need for social control, although the margin of significance was not great.

Finally, the author recognizes that it is not settled that delinquent behaviour is a single dimension. It was found that seven delinquent acts occurred along one dimension. Clearly an indicator of the need for further research with perhaps different definitions along a deeper and psychopathic dynamic dimension.

E. M.

CHILD CENTERED GROUP GUIDANCE OF PARENTS. By S. R. Slavson. (New York: Internat. Universities Press Inc. 1958. Pp. 333. \$5.00.)

Dr. Slavson has been pioneering in group therapy for many years. Hitherto, his practice has been to apply, as leader, definite dynamic principles in interpretation. In this work dynamic principles are presented only by implication. All that the leader does is to allow parents with problem children to talk in groups of no more than ten, about the problems of their children. His principle is to allow free interpersonal discussion in a parent-to-parent relationship; he breaks in solely to counsel them where dilemmas arise, and where peculiarities of the child call for explanation.

The book is well documented with the actual discussion that took place, and this covers many basic topics, such as: Learning to be Parents; Meeting Family Tensions; and The Climate of the Family. Careful selection is important and parents must be recognized as showing their ability to learn from a group situation.

This is a valuable book and might be read with profit even by skilled psychopathologists who are obliged through the pressure of clinical material in clinics to use counselling in a group setting.

E. M.

GROWING UP IN A CHANGING WORLD. Papers presented at the 10th Annual Meeting of the World Federation of Mental Health, Copenhagen, August, 1957. (London: H. K. Lewis & Co. 1958. Pp. 238. 15s.)

The crisis of our time has roots in economics, social change and unprecedented areas and the awakening to Western techniques of older civilizations. Such changes are dislocating to old patterns of culture and disconcerting to those who expect conservation of the established against the impact of the new, not any new economic structures, but new ideas. Of the latter, psychoanalysis shows its influence in nearly all the papers presented. Several symposia concerned delinquency; Professor Lopez-Rey dealt with the work of the United Nations Health Organization in this field. The most striking feature of the Congress was the accent on the problem of young people and the emergence of the specific forms of delinquency. Doctor Lin discussed his two types as seen in Formosa (see his article in this *Journal*, April, 1958).

The symposium on the Prevention of Juvenile Delinquency was not very productive and Kenneth Soddy (U.K.) brought a useful cold douche to extinguish the bad statistical material which some speakers had cited. A useful symposium to keep a subject from stagnating at a time when the freedom of the adolescent to experience the sex life which biological development has predicted is being

temptingly extended and then withdrawn. The sexual misdemeanours of our time cannot be understood until these bio-psychological facts are squarely faced.

In a meeting of psychiatrists and sociologists from all over the world the pooling of opinions and experience is of first importance, particularly in making clear ethnical and social differences.

E. M.

DREAMS AND FOLKLORE. By Sigmund Freud and D. E. Oppenheim. Translated from German, with the original German text. (New York: International Universities Press. 1958. Pp. 111. \$3.00.)

This elegantly produced monograph is the result of Freud's collaboration with a professor of classical literature who was attracted to the Freudian interpretation of myths and folklore. Its subject matter is no longer of interest, as it has long become part of the corpus of Freudian research and theory. It is of interest as a curiosity of Freudian literature as it is the only original manuscript of Freud's prior to 1914. It adds nothing to existing Freudian writings.

E. M.

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(Compiled by W. Litauer, with contributions from W. J. Bolt)

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